



Second Session - Thirty-Sixth Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Law Amendments

Chairperson
Mr. David Newman
Constituency of Riel



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ASHTON, Steve	Thompson	N.D.P.
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CERILLI, Marianne	Radisson	N.D.P.
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DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
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EVANS, Leonard S.	Brandon East	N.D.P.
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GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
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JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
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**LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS**

Thursday, October 31, 1996

TIME – 6:30 p.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. David Newman (Riel)

VICE-CHAIRPERSON – Mr. Peter Dyck (Pembina)

ATTENDANCE - 11 – QUORUM - 6

Members of the Committee present:

Hon. Mrs. McIntosh, Hon. Mr. Reimer

Ms. Barrett, Mr. Dyck, Ms. Friesen, Messrs. Laurendeau, Newman, Radcliffe, Mrs. Render, Messrs. Santos, Struthers

Substitutions:

Ms. Mihychuk for Ms. Barrett
Ms. McGifford for Mr. Santos
Hon. Mr. Enns for Mr. Laurendeau
Hon. Mr. Toews for Hon. Mr. Reimer

WITNESSES:

Bill 72–The Public Schools Amendment Act (2)

Ms. Diane Beresford for Neil MacNeil
Ms. Diane Beresford for Bob Dixon
Ms. Diane Beresford for Ross Rowntree
Ms. Diane Beresford for Siobhan Faulkner

Bill 32–The Council on Post-Secondary Education Act
Bill 48–The University of Manitoba Amendment Act

Mr. Earle Ferguson, President, University of Manitoba Faculty Association
Ms. Sylvia Jansen, University of Manitoba Faculty Association
Mr. Christopher Leo, Private Citizen
Ms. Emöke J. E. Szathmáry, President, University of Manitoba
Mr. Alden Turner, President, University of Winnipeg Faculty Association

Mr. Wesley M. Stevens, Private Citizen
Mr. Neil Tudiver, Private Citizen
Ms. Caterina Reitano, Private Citizen
Mr. Trevor Lines, University of Manitoba Students' Association
Mr. Murray Evans, Private Citizen
Mr. Earle Ferguson for Rolland Gaudet
Mr. Bruce Daniels, Private Citizen
Mr. David Markham, Private Citizen
Mr. Tom Booth, Private Citizen
Mr. Stephen Holborn, Private Citizen
Mr. Michael Shaw, Private Citizen
Mr. Jim Forest, Private Citizen
Mr. John Whiteley, Private Citizen
Mr. William Koolage, Private Citizen
Mr. Robert Glendinning, Private Citizen

WRITTEN SUBMISSIONS:

Ms. Tina Gordon, Western Teachers' Association
Ms. Betty Green, President, Manitoba Association of School Trustees

MATTERS UNDER DISCUSSION:

Bill 32–The Council on Post-Secondary Education Act

Bill 48–The University of Manitoba Amendment Act

Bill 72–The Public Schools Amendment Act (2)

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Mr. Chairperson: Good evening, will the Standing Committee on Law Amendments please come to order. This evening the committee will be resuming consideration of Bill 32, The Council on Post-Secondary Education Act; Bill 72, The Public Schools Amendment Act (2); and Bill 48, The University of Manitoba Amendment Act.

We do have a number of persons who are preregistered to speak to these three bills, and the names of persons who have preregistered are posted on a board on the

hallway outside of the committee room. If there are any other persons in attendance who wish to speak to one of the bills before the committee this evening and whose name does not appear on the list, please register with the Chamber Branch personnel at the table at the back of the room. Just as a reminder to those persons wishing to hand out copies of their briefs to the committee, 15 copies are required. If assistance is needed to make the required number of copies, please contact the Chamber Branch personnel at the rear of the room or the Clerk Assistant and assistance will be provided.

Just as a reminder to committee members, it had previously been determined by the committee that a 10-minute time limit for presentations would be used, to be followed by a five-minute time limit for questions and answers. It had also been previously agreed by this committee regarding Bill 32 that names would be dropped to the bottom of the list when called for the first and second time when the presenter is not in attendance, with the name to be dropped off of the list after a third call. Regarding Bill 72 and Bill 48, the committee agreed that names would be dropped to the bottom of the list after one call, then dropped off the list after a second call.

What is the preference of the committee regarding the order of the bills for the hearing of presenters tonight?

Hon. Linda McIntosh (Minister of Education and Training): Mr. Chairman, I would suggest that we go Bill 72, Bill 48 and Bill 32 with hearing any out-of-town people on any of those bills before we begin, if there are out-of-town people. [agreed]

Mr. Chairperson: Just a reminder, another meeting has been called for Friday morning at 9 a.m. and Saturday morning at 9 a.m., to continue consideration of these bills if necessary. For the information of committee members, we have received a written submission on Bill 72 from Tina Gordon of the Western Teachers' Association in lieu of a presentation. This submission has been placed on the table for committee members. Is there agreement to include this submission in Hansard? [agreed]

I would also like to bring to the attention of the committee members that a letter has been received from the Manitoba Association of School Trustees regarding Bill 72. MAST has already made a presentation to the

committee, so unanimous consent will be required to receive an additional submission from the association. I note it is just a one-page letter form. Is that agreed? [agreed] That will be distributed now.

Bill 72—The Public Schools Amendment Act (2)

Mr. Chairperson: We will now proceed with the hearing of presenters, and the first presenter with respect to Bill 72 then is Ross Rowntree.

Ms. Jean Friesen (Wolseley): Mr. Chairman, my colleagues are reminding me of out-of-town people first, but I think also we should have an agreement on how we are to end the session. I wondered if there was consent to proceed as we have proceeded in recent committee meetings, and that is to go until twelve o'clock and then, at twelve o'clock, to canvass the audience to see who else wishes to present, but then not to call names after twelve o'clock in the formal manner.

Mr. Chairperson: Any response to that suggestion?

Mr. Peter Dyck (Pembina): Mr. Chairman, I would like if we would be able to finish Bill 72, like we are looking at all out-of-town presenters, but it would certainly be my recommendation that we finish Bill 72 today for obvious reasons.

Mr. Chairperson: Okay, we will proceed on that basis. Ms. Friesen, your point is well taken. We will call the out-of-town presenters first—my oversight. Neil MacNeil.

* (1840)

Ms. Friesen: Just to put formally on the record—yes, we can complete, I think, Bill 72 tonight, but I am not sure that the second part of my point was discussed, and that is the issue of what happens at midnight, it being October 31—no, just a joke.

Mr. Chairperson: Any further discussion on that point?

Mr. Dyck: Well, Mr. Chairman, with that, I do have a concern, though. When I said that I was wanting that we finish Bill 72, if we should be at the point of midnight and then we have several presenters remaining, I would like to conclude that. So I would suggest that we revisit that at midnight and just see where we are at that point.

Mr. Chairperson: Any further discussion?

Ms. Friesen: Yes, I have sat on committees before, particularly this one, where we have done that and then had a wrangle at midnight or a wrangle at ten o'clock, and I am really not interested in that kind of wrangle. I would rather have it straightforward from the beginning. What are we going to do?

Mr. Dyck: Mr. Chairman, then my suggestion would be that we finish Bill 72, let us do that, complete that first and then do out-of-town presenters.

Mr. Chairperson: It sounds like a compromise in the making.

Ms. Diane McGifford (Osborne): I would like to ask Mr. Dyck what he means by "finish Bill 72" because it is not clear to me.

Mr. Dyck: Mr. Chairman, for clarification, that means finish hearing the presenters.

Ms. Friesen: Mr. Chairman, perhaps we can seek from the Clerk an indication of how many presenters there are on Bill 72.

Mr. Chairperson: Twelve listed. You should have a list in front of you, Ms. Friesen.

Ms. Friesen: Oh, right—okay. Yes, I see the list, and I think I still come back to my basic point that we need some agreement at the beginning of this committee where we are going to be at the end of the day. I do not think it helps the public process; I do not think it helps relationships on this committee to have the kind of delay that perhaps the members on the other side are suggesting at this point. Can we not have it clear from the beginning that we finish Bill 72 and that we then start Bill 48; we continue from 48 to 32, but that at midnight we stop calling the list and we canvass the audience to see who is left to present?

Mr. Chairperson: Understood? Agreed. Thank you. I will then call Neil MacNeil.

Ms. Friesen: On another point, but it is an administrative point, and that is, I believe, that there has been agreement between the House leaders that there will be

no clause-by-clause consideration of bills tonight. I do not know if that is the Chairman's understanding or if that has been conveyed to the committee. Perhaps we can clarify that, and it would help the legislative staff to know what that situation is.

Hon. Linda McIntosh (Minister of Education and Training): I had not been told that we would not be doing clause by clause, but given the number of presenters—if we are going to hear all presenters first before we do clause by clause on any of them—we have a lot of presenters on Bill 32 still—I doubt that we would get to clause by clause. If we are thinking of the staff's consideration, that is probably the most—we would love to have them stay, but we probably will not be going through clause by clause.

Ms. Friesen: If there is agreement then, that is fine. I just wondered if the Chairman wanted to—

Mr. Chairperson: Is it agreed then we will not go into clause by clause this evening? [agreed] Anything else?

Neil MacNeil. Have I got the name wrong?

Ms. Diane Beresford (for Neil MacNeil): It is obvious I am not Neil MacNeil. I did give my name to the Sergeant-at-Arms to say that Mr. MacNeil had asked me to read his presentation into the record for him as he is unable to attend because of Halloween commitments tonight.

Mr. Chairperson: Your name, madam. Your name, please.

Ms. Beresford: Diane Beresford.

Mr. Chairperson: You may begin Mr. MacNeil's presentation, Ms. Beresford.

Ms. Beresford: Thank you for the opportunity to address some specific concerns about Bill 72. There is so much that is wrong with this proposed piece of legislation. At first I considered trying to address all of the problems. It became obvious to me very quickly however that I could not, in so doing, do justice to all of them, so I am going to trust my colleagues, particularly those representing The Manitoba Teachers' Society, to explain to you in simple terms why it is so very necessary

to stop proceeding with this bill, to sit down with all the parties involved to work out a fair and equitable form of collective bargaining for teachers.

Tonight I choose instead to address one specific aspect of the bill and that is the inequities that exacerbates and enshrines in legislation. Except for my years in university, I have spent all of my life in Lakeshore School Division. I went to school there and for the last 14 years have taught there. My dad is a former superintendent of the division, and my mom just retired from teaching there. Most importantly, my kids go to school there. I am not speaking of my own children. My wife and I do not have any. Rather, I am talking about my students, these people I get so much pleasure from being with every school day and many others besides. These are my kids.

Lakeshore is a big division, the largest geographically in the province, I think, after Frontier. A lot of my kids spend an awful lot of time on the bus, as much as an hour and a half to get to school in the morning and an equal amount of time to get home. That is pretty tough on them physically and emotionally and sometimes it is reflected in their school work. Sometimes it means that extracurricular sports and other activities are out of the question because they just live too far away and sometimes it leads to conflict.

At my school in Ashern, we draw students from at least seven or eight different towns and four different reserves. My kids are great, and it is a wonder they get along as well as they do. They are fantastically tolerant, all things considered, but they are kids and sometimes jealousies and the fear of the unknown make them wary of each other, and that means that sometimes they end up fighting with each other in one way or another before they go their separate ways.

Lakeshore is a poorer school division. At least it is poor in an economic sense. Our assessed property tax base is very low relative to the number of students we educate. Evergreen School Division, next door to the east has roughly the same number of students as we do, but their tax base is more than two and a half times as large as ours. Many of my kids come from homes that subsist at poverty level. There is not a whole lot of disposable income in Lakeshore.

Let me illustrate that for you. In Ashern we have a very strong sports program run at an elite level. Our girls' volleyball team are the current provincial AA champions. While this is great, it means that a lot of high school girls do not get an opportunity to participate in extracurricular sports because they cannot meet the teams.

Last year a group approached me and asked if I would coach a girls' basketball team. Despite having very little experience with basketball I said that I would. I called a meeting to see how many girls were interested and about 35 showed up, almost all of them girls who were not currently playing extracurricular sports. Wow, I thought, this is great. Athletics can teach so much about cooperation, teamwork, the value of hard work and so on. I told the girls that as inconvenient as it was going to be, anyone who was interested could play on this team if they were willing to give an honest effort. I also told them it was going to cost them some money for uniforms and for travel; how much I could not say since I did not know how much we would play. You see the school board has cut all funding for extracurriculars in Lakeshore, so that means if we want to travel somewhere, the kids have to pay for the bus, entry fees, et cetera. It can add up to a lot of money. Half of those girls did not show up for the next meeting. When I started to make inquiries about where they were, over and over again the reply was that they did not think they could afford to play.

Imagine these are girls for whom the experience of sports and of belonging to a team, of travel and meeting other people could mean so much. They could not afford to play and so they did not. It hurt them and it hurt me. This was a rotten experience, but at least we could do something about it. We could fundraise. I and others could offer to help subsidize the kids' expenses, and where that still was not enough, we at Lakeshore would like to console ourselves by noting that we offer as fine an academic education at least as found anywhere.

* (1850)

I, we really believe that. We really believe that the work we do can make up for the repeated reductions in funding. Bill 72 would work to change that. Bill 72 proposes that teachers' salaries in Lakeshore should be tied to the ability to pay of Lakeshore taxpayers. I guess, that means since we live and work in a poor division we

should be paid less. Bill 72 suggests that our salaries and working conditions should be related to those of other employees in the division. Again, I guess that means that, if the people around us have lower incomes than in other areas of the province, we should too.

Yes, I know, Mrs. McIntosh, that an arbitrator's award is supposed to be mitigated by possible reductions in services. Well that mitigating factor is too late for us, Mrs. McIntosh. We have already lost almost all of the programs, the courses that can be reasonably cut, and, yes, I know that an arbitrator is to take into account the need of the division to recruit and retain qualified teachers. Well, that is not good enough for my kids. My kids deserve the best available teachers, and to do that, we need to be able to offer salaries and working conditions equal to those anywhere else. There will always be qualified teachers around who will work for almost any salary.

But I cannot forgive a bill and the government that passes it that means my kids have to settle for the teachers that are left when the best have chosen to go elsewhere. Right now I can walk into my staff room and see people that I am sure are among the best anywhere. If Bill 72 passes, I do not know that that will be the case in 10 years' time. My kids may come from a poor background, but education is a great equalizer. You need to take this bill back and reconsider what it will do to the education of my kids. We need to talk some more about how we can assure my kids in Lakeshore will be seeing the best teachers available, not just now, but in the future.

We can work this out, Mrs. McIntosh, but we need to take more time. Withdraw this bill and give us a chance. Make sure my kids get a chance.

Mr. Chairperson: Thanks, Ms. Beresford. I would now like to call on—[interjection] Any questions?—no. I would like to call on Bob Dixon. There is a striking resemblance to the Ms. Beresford that came before.

Ms. Diane Beresford (for Bob Dixon): Funny thing.

Mr. Chairperson: Leave of the committee for Ms. Beresford to present on Bob Dixon's behalf.

An Honourable Member: Leave.

Ms. Beresford: I have to say that Halloween night for many teachers is a very heavy night for responsibilities.

Thank you for the opportunity to speak to this committee. I would also like to thank the government for giving us a bit more time to compose this presentation. Twenty-four hours is a bit ridiculous.

However, that will be the last "thank you" that I give this government.

I will not speak to the separate components of Bill 72. I know other presenters before and after me will cover that topic. I will try to give a personal reaction on how teachers are feeling towards this government and to this bill in particular.

I represent 90-plus teachers in the northwest Interlake region. We all live in and around small-town Manitoba. We are hockey coaches, 4-H leaders, volunteer firemen, volunteer first responders, curlers and volunteers in many other organizations in our communities. Teachers come from all different political stripes.

We took it on the chin with Bill 22 days, a further tax on teachers in our Lakeshore School Division. We will again be unfairly treated when you pass Bill 72. We are tired of this government's methods. We are not afraid of change. We want change, but change that benefits children, not your neo-reform agenda taken with a dose of "in-your-face medicine."

We feel we are an important segment in our society. Obviously, this government feels differently. The government will ram through this legislation with all the fairness evident in past strategies. Teachers are willing to negotiate and change, but this bill is massively stacked in favour of school boards, contains items which are negotiable but cannot be arbitrated.

What is the use in making concessions in mediation if we know the arbitrator will have been party to all positions and the time lines are totally unreasonable in a rural setting? Does the government feel we will allow this to happen? It is obvious we not only must fight for our rights and livelihood, but this government expects workers to fight for their right to be considered human beings and valued members of our society. I assure

everyone here that change can occur without a Bay Street approach and an Armani suit.

New wording demonstrates this ability to change and evolve. To us, we see this as a true Galapagos experience. Co-operation should be the new buzzword around here, not confrontation. People, it is time to move on. It is time to stop viewing the world through the eyes of Thatcher and Reagan. Let us take a novel approach, a Canadian approach made famous by Macdonald and Pearson. We have the opportunity to be leaders in change, not followers of methodology.

Mr. Chairperson: Thank you very much, Ms. Beresford.

Dan Lemieux. Dan Lemieux. Dan Lemieux, not being here, will be dropped to the bottom of the list. He has been called once already. He will be dropped off the list. Richard Maslanka. Richard Maslanka, being called a second time, will now be dropped off the list. Kathleen Burt. Kathleen Burt. Kathleen Burt, having been called twice, will now be dropped off the list. Arnold Minish. Arnold Minish. Arnold Minish, now being called twice and not being here, will be dropped off the list. Kelly Logan. Kelly Logan. Kelly Logan, not being here and being called twice, will be dropped off the list. Brian Murray. First call for Brian Murray. Brian Murray will be on the bottom of the list. Ross Rowntree. First call for Ross Rowntree. Ross Rowntree, not being here, will be dropped below Brian Murray on the list. Excuse my pronunciation, Siobhan Faulkner. Siobhan Faulkner. Siobhan Faulkner will then be put at the bottom of the list. Mike Bennett. Mike Bennett. Mike Bennett will go to the bottom of the list. Sheldon Goldberg. Sheldon Goldberg. Sheldon Goldberg goes to the bottom of the list.

Now I will make another call of all of those names and these will be the last call. Brian Murray. Brian Murray is off the list.

Ross Rowntree. Ms. Beresford, are you speaking for Ross Rowntree?

Ms. Diane Beresford (for Ross Rowntree): I had instructions that if the list moved down quickly and he was called a second time, I was to read his brief on his behalf if he was not yet here, and it appears he has not yet here.

Mr. Chairperson: Is that agreed by the committee? [agreed] You may proceed.

Ms. Beresford: It is very short, and I do not have copies.

It is a privilege to be able to speak before you this evening. It is one of the great strengths of our democracy that such procedures are put in place. It makes our society a fair one where the voices of all can be heard. This is the backbone of a democratic nation, a part of which is our provincial Legislature. In dealing with young people every day, I follow the same principle every day and ask these young people to do the same; be fair, be honest, state what you stand for and stand for what you state, be fair in your dealings with others, be open minded and ready to admit your mistakes, value the opinion of others and always be up front with your own.

The government was less than up front with their plans during the last election. They did not state clearly and precisely what they stand for and what they are trying to impose now in Bill 72. Can they really now say that they stand for what they state? Have they been open and honest, especially during the most crucial of times from the call of the election until the voting day? They have not been fair and Bill 72 is not fair to honest working people in this the fairest of provinces.

The negotiation process is the only fair way to settle differences between employers and employees. It is the only way that fairness can be ensured, that both sides can stand for what they state. Indeed, does the government have a mandate for doing this, Bill 72, for making these changes on the basis of their stated election platform? There is no fairness, and I speak strongly against this bill.

Mr. Chairperson: Thank you very much. Siobhan Faulkner. Siobhan Faulkner.

Ms. Diane Beresford (for Siobhan Faulkner): I had the same instructions from Siobhan: if she were not here when her name was called a second time, I was to read her presentation.

Mr. Chairperson: Ms. Beresford, having said that, leave of the committee for her to present?

Some Honourable Members: Leave.

Mr. Chairperson: Proceed.

* (1900)

Ms. Beresford: This is the last time I will be making an appearance here, by the way.

An Honourable Member: Tonight?

Ms. Beresford: Tonight.

It is an honour to address the members this evening. As a teacher, it has been a privilege to work in a system in which negotiations are clear, honest and aboveboard. This has allowed us to put our faith and fate in our union's hands and focus on our ever-increasing demanding teaching jobs.

With Bill 72 all this changes. No longer can we count on a system running fairly and directly, but instead we must worry at what point the attack on our union will hit us directly. We have taken on so many roles in our classrooms that it is unfair and undemocratic to put such pressure on teachers to work in a system which is balanced against us. In order for us to be effective in our classrooms we must feel effective in the democratic process, and I feel this bill is unfair and must be withdrawn. Thank you.

Mr. Chairperson: Thank you very much and good evening. Mike Bennett. Last call for Mike Bennett. Mike Bennett, not being here, will be dropped off the list. Sheldon Goldberg. Sheldon Goldberg, not being here, will then be dropped off the list. That appears to complete all presentations on Bill 72. Is it agreed that that completes presentations on Bill 72? [agreed]

Bill 32—The Council on Post-Secondary Education Act

Bill 48—The University of Manitoba Amendment Act

Mr. Chairperson: Next, Bill 48, The University of Manitoba Amendment Act. It appears there are no out-of-town presenters, so I will call Earle Ferguson.

Ms. Jean Friesen (Wolseley): I believe I have a conflict of interest on this bill, so I would like that registered, and I will be withdrawing.

Mr. Chairperson: Fine, Ms. Friesen. Earle Ferguson and Sylvia Jansen or Michael Thompson. It looks like we have Earle Ferguson and Sylvia Jansen. Mr. Ferguson.

Mr. Earle Ferguson (President, University of Manitoba Faculty Association): Thank you Mr. Chairman, honourable minister and members of the committee. The University of Manitoba Faculty Association represents approximately 1,150 full-time faculty members and librarians at the University of Manitoba. The faculty association represents its members and contact negotiations with University of Manitoba Board of Governors through priorities established by the membership at large. Among the goals of UMFA, as set out in its constitution, is to improve the quality of higher education in Canada. The faculty association submits the following positions with respect to the proposed amendments to The University of Manitoba Act in Bill 48.

The Constitution of the Board of Governors. The faculty association respects the broad responsibility and mandate of the university's board of governors. We note and respect the comments of the Independent Study Group on University Governance (January 1993, published by the Canadian Association of University Teachers) on boards of governors in universities: "The board articulates and defends the university mission. It assures the institution's financial integrity. The board has final responsibility for the selection and conduct of the president. It brings public concerns to the attention of the university and university needs to the public. It assists university fundraising, counsels and oversees university management, assures the integrity of personnel selection and review procedures, hears and responds to the diverse concerns of the university community and ratifies collective agreements and commercial contracts."

The membership of the board of governors must therefore be to some measure representative of the wide range of interests in the university community and the community in which it thrives and also contain sufficient expertise to discharge its responsibilities. The faculty association notes that the current structure of the board of governors provides for members to include the president and chancellor as well as those appointed by the government, by senate and by alumni. Representation appointed by the students is absent, and we would see the

formalization of the existing convention—one student elected by senate, two appointed by the government—as a useful step. Additionally, an increase of student membership beyond the current convention may also be positive, and this association would not oppose such a step.

In that the amendments to Section 8(c) increases the student representation at the expense of those elected by senate, the faculty association cannot support those provisions as they now stand. For the board adequately to fulfill its responsibilities in decisions which impact the research mission of the university, a more representative inclusion on the board of the staff who do the teaching and research is essential.

We would propose, therefore, that Bill 48 be amended by deleting the substitution of the new clause (c), thereby retaining clause (c) as “Six members elected by the senate from among the members thereof.”

Mandatory retirement for excluded employees and application of The Human Rights Code. The faculty association is opposed in principle to any legislation which attempts to detract from the protections guaranteed to residents of the province of Manitoba as set out in The Human Rights Code.

The preamble of The Human Rights Code states, in part: “WHEREAS Manitobans recognize the individual worth and dignity of every member of the human family, . . . ; and further: AND WHEREAS Manitobans recognize that (a) implicit in the above principle is the right of all individuals to be treated in all matters solely on the basis of their personal merits, and to be accorded equality of opportunity with all other individuals;”

A protected characteristic under the provisions of The Human Rights Code is a protection from discrimination on the basis of age. In the case of academic staff, the Court of Appeal of Manitoba upheld this protection in employment. The code also contains a declaration that its provisions are paramount.

The proposed legislation has the intended effect of permitting age discrimination in employment to occur to selected employees of one employer and to remove

recourse to basic human rights protects as provided under The Human Rights Code to this group.

We would submit that the rationale for the proposed legislation cannot be sustained on the basis of bona fide and reasonable requirement or qualifications. This legislation governs only academic, managerial or professional staff at the University of Manitoba. It governs only one university employer out of several university employers in the province. One section of one occupational group is being singled out for differential and discriminatory treatment. The deeming provision does not provide justification.

The proposed bill also contains a further deeming provision, namely, that Section 12, Reasonable accommodation, under The Human Rights Code, is deemed to be complied with. It is respectfully submitted that any act which potentially contravenes The Human Rights Code should be subject to scrutiny under that code, not under a deeming provision designed to protect such actions from the valued human rights protections provided by The Human Rights Code.

It is respectfully submitted that any removal of human rights in general and the imposition of laws permitting age discrimination of any type should and must be subject to the greatest scrutiny; the scrutiny which is provided by The Human Rights Code.

There are other mechanisms which can be used to encourage people to retire if an employer wishes to reduce staff, such as early retirement incentives, improved post-retirement arrangements and the like.

We urge the government not to proceed with this proposed legislation.

In the event that the government proposed to proceed with this legislation in any form, we would propose the following amendments, which, although not satisfactory, will at least assure some protection for the affected employees:

1) Under Section 5, insert the term “full-time” before the word “academic staff” in each provision thereunder. Since we understand the intent of this section is to refer to the full-time academic staff, this change would clarify that matter.

2) Under section 5, Section 61.1(4), delete the deeming provisions as set out in (a) and (b), and insert a reference that any agreements so negotiated be subject to review under the provisions of The Human Rights Code.

We wish to make it clear that we are opposed in principle to any legislation which attempts to reduce the protections provided by The Human Rights Code, and, by suggesting the above amendments, we are not accepting in whole or in part the proposed legislation, even if amended. Thank you.

Mr. Chairperson: Thank you, Mr. Ferguson.

* (1910)

Ms. Diane McGifford (Osborne): I wanted to ask a couple of questions, please. I wonder if you could compare the membership from senate on your board of governors to that in other universities in Canada or indeed outside of Canada?

Mr. Ferguson: I do not have those facts.

Ms. Sylvia Jansen (University of Manitoba Faculty Association): Our information is that the representation from senate is not uncharacteristic. I do not have the data here, but we could undertake to provide that if the committee wishes. But, in general, the representation from senate is not at all uncharacteristic. The provision for even approximately one-third of the governing board to be from academic staff, administrators and some portion of that third to be students, is not atypical. The provision of the number of students as proposed here is atypical.

Ms. McGifford: By current, you mean the current six senate members as opposed to what would be proposed in the legislation? I wanted to ask you as well, in your presentation you talked about the impossibility of the board adequately filling its responsibilities and decisions which impact the research mission of the university if the component or the number of senators, senate representatives, were to decline. Could you tell me what other contributions senators make to the board of governors?

Mr. Ferguson: I think the senators to the board of governors contribute to the running of the university,

period: to its governance, to its research, to its teaching mission, to its academic policies. What we are concerned about is we are certainly not against increasing the number of students. I think that is quite good, but we do not think they should be increased at the expense of faculty. Students are there three, four, five years. Faculty are there much longer and have a much more vested interest in the university and also much more experience.

Ms. MaryAnn Mihychuk (St. James): Can you explain what the difference between what you call a teaching faculty versus some of the deans that would obviously be sitting on the board of governors and others that are also faculty members? What is it that the teaching staff will provide or that is so critical to the board of governors?

Ms. Jansen: The representatives from senate as currently provided typically do include some deans. The people will also have academic positions in their own faculties and home departments, so they would come to the deliberations of the board of governors with their experience and expertise as well. The additional experience and qualifications of the people who work in the trenches, so to speak, need to be recognized as well, but the position that the association is offering is one which does not distinguish between academic staff teaching and doing research in the university appointed to the board of governors versus other people who are members of senate which would also include deans, so I do want to make that distinction.

Ms. Mihychuk: Can you clarify that with the changes as proposed in this bill, the number of regular-in-the-trenches profs would change by what number to what? It would be what now and with this bill would end up having how many seats on the board of governors?

Mr. Ferguson: There are six elected by senate now. With this proposed bill, there will be three elected.

Ms. Jansen: If I may add, the convention is also that those elected by senate currently have generally included one student, so there have been five traditionally.

Ms. McGifford: But under the proposed legislation the number would go from six to three, and one of them would be a student?

Mr. Ferguson: No. I think they would be faculty, and the number of students would go up to nine.

Mr. Chairperson: Madam Minister, do you wish to clarify?

Hon. Linda McIntosh (Minister of Education and Training): Excuse me. The number of students would be six in total, not nine.

Mr. Chairperson: Thank you, Madam Minister. There being no further—

Ms. Mihychuk: In terms of the second part of the bill which provides for—it is basically enabling legislation for mandatory retirement. In your position you are saying that you are fundamentally opposed. Are you suggesting that changes like this then should be set out for all academic institutions or all Manitobans, was that your basic position?

Mr. Ferguson: My basic position is that that should be settled for all occupations, for all Manitobans, not just the university professors or for anyone else but for everyone, assessing that one employer, one occupation.

Ms. Mihychuk: Did the faculty association have a meeting with its membership on this bill?

Mr. Ferguson: No, we have not.

Mr. Chairperson: Mr. Ferguson.

Mr. Ferguson: Sorry, I keep doing that. We have met with our executive and with our board of representatives. In the constitution of UMFA, we have a board of about 40 to 50 people who represented various constituencies within the university. Those we have met with and they have given us directions. We have also consulted fairly widely, but we have not had a meeting of the general membership on this, because we have not had the time to do that. We are almost 1,200 people, and that you cannot just do overnight.

Ms. Mihychuk: My understanding is that the proposal for mandatory retirement for this provision came from the administration of the university. Was there prior consultation with the faculty organization before the administration came forward?

Mr. Ferguson: Not that I know of. I think Mr. Naimark did this. Not as far as I know that he ever consulted with the faculty association. Your other question, just one thing I had forgotten too, we do have a task force looking at all this early retirement and faculty renewal.

Ms. Mihychuk: Has the issue of the number of retirees come up? I do not know the functioning of the faculty organization in management, but has there been discussion of other methods of perhaps moving faculty into retirement? You were saying that there are other ways so I am wondering if that has been explored.

Mr. Ferguson: Yes, it is being explored under this task force which we have a part of the association now, a task force made of five or six members. That task force is exploring these various ways at this point.

Ms. Jansen: If I may add, to answer the question a little bit more fully, the faculty association has proposed in contract negotiations with the employer a number of different possible structures for encouragement of people to retire early, retirement incentives generally and so forth. I should note that as a result of past negotiations and the policies which we have participated in, the average age of retirement right now is about 64.

Mr. Chairperson: I am afraid the time is expired. Thank you very much for your presentations.

I would like to raise two issues. The first issue is Christopher Leo, who is No. 2 on Bill 32's list, The Council on Post-Secondary Education Act, has given a message asking if he could present on Bill 32 tonight. He says that he waited last night to speak and has been waiting again tonight and cannot wait much longer. Is there any chance of being heard right away? Thank you, Christopher Leo.

What is the will of the committee in that respect? Maybe I will raise the other issue. The other issue to follow this one is that I note there a number of people who were registered to speak on both Bill 48 and Bill 32. As a matter of fact, a quick look shows that six of the remaining eight presenters are on both lists. So the issue would be whether or not for the sake of convenience and fairness to those folks who are here we should hear them on both. Is that agreed by the committee?

Ms. McGifford: The only problem that occurs to me is that it will be difficult for Ms. Friesen who is not here for 48, so if we can have leave to go and get her to come in and hear the 32 presentation, that would seem to be fine.

Mr. Chairperson: I would say it sounds reasonable. Now you do not want it, because Harry said it was okay? So that is agreed then.

And with respect to Christopher Leo, can he then proceed now?

An Honourable Member: Sure.

Mr. Chairperson: Christopher Leo. You will be presenting then on Bill 32.

Mr. Christopher Leo (Private Citizen): On Bill 32, that is right.

Well, I would like to thank the committee for the opportunity to speak to you tonight and especially for the opportunity to be taken out of order. I am very grateful for that. I probably would have missed my opportunity if I had not taken it now.

I do not plan to be speaking directly on Bill 32. I have some things to say that I think are relevant to Bill 32. I have colleagues who are much better informed on the provisions of Bill 32 than I am, and I think I have had good advice on the subject, but I think I had better leave them to the task of debating the provisions of the bill. I am not as well informed as some of the others. I do have basically three things to say. The first is to say that I understand what the government is trying to do, I think.

* (1920)

It is my view, as it is that of the government, that we are in a period of rapid change with tremendous economic pressures on us because of a rapidly expanding world market that has implications for the economy; it has implications for government revenues; it has implications for the kind of education we have to offer; and it calls on us to make sometimes painful and certainly very serious changes. I am aware of those necessities. Nevertheless, I do not agree with some of the provisions in this bill.

I guess my second point that I would like to make is that the university is aware of these pressures as well, and

the university knows people in the university are aware that we have to adapt to these pressures. We have been aware of it for a long time. We have felt the pressures perhaps longer than most other people. We have been steadily cut back through financial constraints for a period of some 15 years now, and we have felt every year that we have to make adjustments to deal with the constraints in the money that is available to us. Lately, we have felt it in enrollment declines, and during the first period of cutbacks actually we had a different problem. We had enrollment increases and we had to deal with less revenues despite the fact that we had more students to deal with. Now we are feeling the pressure of enrollment declines, and that is a different kind of pressure. But it also sends us a clear signal that we have to adapt, and we are adapting.

Another pressure that is on us that we have felt all along is course evaluations. Not everyone in the public is aware of this, but all of us are exposed every year to detailed evaluations of our teaching by our students. We get messages from that. Believe me, we hear what they are saying. We know what they are saying, and I know from those messages and from other messages I have got that I am not teaching the same students now I was 5 years ago, let alone 10 or 15 years ago. The requirements are changing, and we know that we have to change to adapt to those changing requirements.

I am part of a new initiative at the University of Winnipeg which is, in fact, an attempt to make some of those adaptations. I was co-ordinator of Urban Studies, and I was put together on a committee with some people from Environmental Studies and some other people to develop a joint Environmental/Urban Studies program. There were two objectives to that program. The first objective was to deliver a first quality liberal arts education to our students. The second was to do something that I keep reading in the media that professors have not figured out yet, namely, to find ways of teaching that do not simply reflect our research priorities. We decided that we wanted to do first-class liberal arts, but at the same time we wanted to try to select a subject matter that we felt that the students we would be getting in that course would need after they got out.

So we were trying to combine the two things. That involved a lot of difficult deliberations and some painful compromises. I had to make some compromises and get

rid of some things that I would have preferred to keep. We have all made compromises, but what we have got out of it is a program that looks like it stands a chance of being a really good one, and quite unique, quite different from what we have had before. That is only one example of many of the ways that we are making adaptations, that we are in fact aware of the fact that there are pressures on us and we know that we have to adapt to meet those pressures.

My final point is that I do not think that the government giving directives to universities, or the government, through an intermediary, giving directives to the universities, to shut down programs or to start up programs as the government chooses is going to meet those objectives. The kinds of difficult and painful decisions we had to go through in order to develop a new program are things that we can do better than a Minister of Education or anybody else that is one or two or three steps removed from our job can do. That is one reason why I think that part of the bill needs to be changed.

The other thing is that the credibility of universities, what credibility we have—sometimes I do not feel we have much left. But the credibility of universities rests in part on their independence. We get called up by the media and by other people in the community. We are asked by people in the community to answer questions for them, and it is quite clear the way those questions are being asked that the reason they want us to answer those questions is because they see us as independent. They think that we are going to tell them our version of the truth and not something that grows out of some institutional commitment that we have got. If we start being perceived as being in the pocket of the government, that credibility is going to be lost too, and that is why I urge you to reconsider at least some of the sections of this bill and to ensure that we still have the independence that we need in order to do the job we are doing. Thank you.

Mr. Chairperson: Thanks very much, Mr. Leo. Questions?

Ms. Friesen: Thank you for the presentation. You are emphasizing the importance of autonomy for your presence in the community. I wondered if you could perhaps inform the committee a little more about what your university, your department or your colleagues do in the community in Manitoba. Could you give us a sense of the range of those activities?

Mr. Leo: Well, everybody chooses the things that they think they know how to do best. My field is urban politics. Well, of course, we all do research, and that research gets used in various ways. It gets published in academic journals, but not just in academic journals. There is more and more—we are getting more and more signals that we should publish in other places, and I am doing publishing in journalism, journalism articles for newspapers. Some of my colleagues do consulting work, and there again the fact that they have got academic credentials is what makes that work valuable to the people who ask them to do it. Then there is actually a whole range of community activities, media interviews, speeches. A lot of those things, I know, are appreciated, and I know that the fact that we are perceived as independent has a lot to do with the fact that they are appreciated.

Ms. McGifford: Professor Leo, I particularly appreciated your discussion of the universities striving to adapt to the changing world and especially your discussion of the kind of interdisciplinary programs and courses that you have developed. But earlier you spoke of the university being very aware of changes and also pointed out that the university had felt these changes particularly as cutbacks. I wonder if you could give us some of the details of financial cutbacks to universities.

Mr. Leo: We have been struggling with it in any number of ways, for when we had decreasing revenues but increasing student numbers, then we had to struggle with larger class sizes and try to figure out a way of maintaining the quality of the teaching that we were doing with larger class sizes. Now we are getting fewer students. So that problem is not with us as much anymore, but the financial cutbacks are getting really, really very difficult to deal with, so we are facing the prospect of, in fact, having to make very serious slashing within the university. The Institute of Urban Studies, which, I know is an institution that has a lot of credibility outside of the university, is struggling for survival. It is an open question as to whether we are going to be able to keep them open.

The money that is available for use in libraries has gone down. I cannot get the journals I need anymore. I cannot get even a fraction of the books that I really need, and the orders filled so that those books will be available in the library. We are aware of the fact that our whole

future is not in books and journals, but that we have to connect with the Internet, and that more and more of our material is going to be coming to us that way, but that costs money too. It is a very difficult trouble trying to figure out how we can maintain a respectable level of books and journals while we are doing that switch over and be able to afford both things. Those are just a few examples. It shows up in every corner of the institution.

* (1930)

Ms. McGifford: Thank you, Professor Leo. You are speaking about the need to change, and also you are speaking about financial cutbacks. It would seem to me that in a sense—and please help me here—the university is caught between a rock and a hard place because the kinds of changes that are required may require not less money but at least the status quo or holding the line.

Mr. Leo: You took the words right out of my mouth. We know that we have to adapt, and the adaptations do cost money, and it is very difficult to make them. I personally fought on the Environmental/Urban Studies committee over the amount that they were estimating that the program was going to cost. It has long been an unfortunate thing at the University of Winnipeg that we offer to do good quality things, but we do not charge for them, and then it ends up being very difficult to maintain the quality while we are doing them. I very much fear that this is going to be one of those cases. I do not know that we are budgeting enough to make—that would be my main fear—I do not know whether we have got enough money to really make the thing work.

Ms. McGifford: Does the University of Winnipeg, as a downtown urban university, make very special and particular contributions to life in Manitoba, and if it does and I am sure it does, could you outline what those might be?

Mr. Leo: Some of these things I do not know enough about to report on them very, very well. I know that our athletic centre is open to the public in a lot of different ways, and that it has programming that is open to the community and it has won awards for that. One that I do know more about is the Institute of Urban Studies which is one of the things that we have always felt is part of our mandate as an urban university, and yet we have had great difficulty in maintaining that.

Mr. Chairperson: Ms. Friesen has a question? Ms. McGifford or Ms. Friesen?

Ms. McGifford: Last quick one. So then the idea of the ivory tower is really another myth, is that true?

Mr. Leo: I do not know. It is not nearly as much of an ivory tower as you might think. We are very much exposed to the pressures that other people are exposed to as well.

Ms. Friesen: I did not realize it was still a myth. I thought it was gone long ago. No? One of the concerns of both the Roblin commission and I think underlying this legislation is the issue of what is perceived as overlap. You are in an institute which is a specialized one which is an example of specialization within the university of post-secondary system in Manitoba. I wondered if you could give us some idea of how that came about, how you link with ancillary areas, say I am thinking, in particular, landscape architecture, or the Faculty of Architecture, at the University of Manitoba. How does your specialized institute fit into the overall position of post-secondary education in Manitoba?

Mr. Leo: Actually, I am not with the Urban Institute. I am in the Department of Political Science and I teach urban politics. Nevertheless, I have got an answer to your question, because I have been associated with the institute off and on over the years. I have taught courses that are part of programs that are offered out of the Institute of Urban Studies. I was faculty associate at the institute for a couple of years recently. I have published things through the institute. Students of mine have published things through the institute. So there is opportunity for people from the university and from the institute to be able to strengthen each other's activities as long as that institute is there.

As far as linkages with the University of Manitoba are concerned, I think we need more of those things. There again, I do not think government directive is what we need to get it done, but I do think we need more of that sort of thing. I am advising graduate students in the Department of City Planning at the University of Manitoba, and I hope to use some of them for a research project that I hope I will be able to get financed. There is a lot of scope for that. We could be doing more of that, but that certainly is a real possibility as well.

Mr. Chairperson: That concludes time for your presentation, and thank you very much for coming forward.

Mr. Leo: Thank you very much.

Mr. Chairperson: Now I would like to call Jason Wiebe and Trevor Lines. Jason Wiebe and Trevor Lines, not being present, will be placed at the bottom of the list. Elizabeth Carlyle. Elizabeth Carlyle, not responding, will be put to the bottom of the list. David Gratzner. David Gratzner, not responding, will be put to the bottom of the list.

Dr. Szathmáry. Welcome to your first presentation to a legislative hearing in Manitoba, I am sure, Madam President.

Ms. Emöke J. E. Szathmáry (President, University of Manitoba): Anywhere. Thank you, Mr. Newman. If the minister does not mind, I wrote the minister a letter on September 9. I did not have the time to prepare a separate document, but if the minister does not mind, I would like to use that letter so that the committee has a chance to hear it. To that particular letter, a document that was written by senate on Bill 48 was attached, and I am prepared to make the entire thing available to the committee if the committee wishes to see what I am going to say orally.

Mr. Chairperson: Just to clarify the ground rules, Madam President, we have 30 minutes for your presentation in total. You could proceed with the presentation on Bill 48 first if that would be appropriate, and then that would be a 10-minute presentation with 5 minutes then for questions and answers on that. Then we could move to the other bill.

Ms. Szathmáry: That is very generous, Mr. Newman, but I would think that it might do the committee more good to be done with Bill 48 and then go on with Bill 32. I would really much prefer to do it that way and be able to collect my thoughts, and I think it would be good as well.

Mr. Chairperson: Okay, so you would like to proceed with the question and answer right away.

Ms. Szathmáry: Yes.

Mr. Chairperson: Is that acceptable to the committee? [agreed]

Ms. Szathmáry: Well, as you all know, I joined the University of Manitoba relatively recently, namely July 1, and so really when I wrote the minister, it was virtually my first opportunity to express my own views on the proposals in Bill 48, and I outlined my concerns to the minister as I am outlining them to you now. But, before I proceed I would like to make some observations about the nature and the role of our university senate which may clarify why it is so important that our board of governors retain its current level of members from senate, even as the number of students on the board is actually increased.

The senate is one of two governing bodies of the university and derives its authority from the act, The University of Manitoba Act. In this regard it is not any different from all other university senates in the bicameral system of governance, which typically characterizes the vast majority of Canadian universities. The primary purpose of any senate is to make sure that the academic business of a university, teaching and research, passes the scrutiny of elected representatives of the academic community before any decision is made and forwarded to the board of governors for its approval.

Two things are worth noting here. One is that academic business refers to the knowledge generated, preserved, and transmitted by universities. For example, the subjects taught, the sequence of courses required in any degree program, and standards of admission and graduation. senate does not deal with administrative matters and has no power to determine anything in the financial domain. The latter is the business of a board of governors.

Bicameral systems of governance are designed to permit the academic community to deal with matters within its area of competence and make this information available to the board. The latter are made up in the main of people who do not normally have the knowledge or experience to make decisions on curricula and academic standards. The academic community is not just members of faculty, and this is the second observation, so the academic community is not just the members of faculty, but students, undergraduate and graduate, along with the faculty. Board of governors' representatives also serve on university senates as do representatives of the

alumni. At some universities, senates also include representatives of the support staff.

* (1940)

At the University of Manitoba, as elsewhere, the size and composition of senate are set out in the University Act. Currently, we have a 126-member senate comprised of ex-officio and elected members. It needs to be underscored that 28 students are voting members of this senate plus the UMSU president; thus, the student voice on this body is well represented. The ex-officio members comprising roughly 25 percent of the membership of senate include the president, other senior officers, deans, and associate deans, none of whom are members of any employee union. The remaining portion of senate, 50 percent approximately, is elected from the faculty. I would note that government is also represented on the University of Manitoba Senate through the Deputy Minister of Education, who is a member. Finally, there are a small number of board and alumni representatives who are also elected to serve on senate.

Now, there is no question that the most informed body about the nature of the business carried out by the University of Manitoba is its senate. It is for this reason that it is so important that our board of governors retain the current number of elected senators. Our board has adopted a committee structure, and some of these committees are chaired by members elected by senate. Some of these are academics and one of them is a student senator. On the academic business, teaching and research, these individuals provide invaluable comment to the board because they are aware of matters that senate has debated. Furthermore, as senior and respected members of the university, they are aware of institutional history and can offer informed opinion to the board about virtually any matter that affects the academic business.

Although I have emphasized the teaching-related side of the academic business, it is worth emphasizing that research which brought to the university more than \$68 million in grant money last year, this is important not just to the university but also to the surrounding community where these dollars are spent. The better our research performance, the more likely it is that knowledge-based industries will be attracted to locate in Winnipeg since such businesses traditionally interact and often form partnerships with academic researchers, and they make use of the university's resources, particularly its library.

Given the size and research complexity of the university, reduction of the number of faculty elected to the board of governors will constitute a significant lack of understanding of the research issues that we confront. The understanding of this dimension of the university's enterprise is something that faculty members of senate bring to the board's deliberations and why we need the number of academics that the act currently allows.

I ask that the minister consider the attached document very carefully, which is the document prepared by senate. As I say, if you are willing to have it, I am prepared to have copies sent to you tomorrow. It certainly represents the response of the academic governing body.

Mr. Chairperson: We can make copies this evening for you.

Ms. Szathmáry: All right. In the interim then, perhaps.

Mr. Chairperson: Certainly that will be done before you leave or between your presentations.

Ms. Szathmáry: All right. Thank you. My own views on the proposed amendments to The University of Manitoba Act are succinct. I favour explicit representation by a larger number of students on the board of governors. Right now we traditionally have reserved one of the six elected positions from senate for a student senator to serve on the board, and likewise government has used, I think, two of its positions to get students onto the board. I do not think there is any need in this day and age for that kind of alternate mechanism; we may as well be explicit about it. So I am happy with the six student positions outlined in Bill 48. However, I do not think that the increase in the number of students should be at the expense of elected faculty members who are elected from the membership of senate.

For all of the reasons that I have already enumerated, I think that reducing the number of elected faculty to three will hamper the understanding of the board of governors about the academic business. Given the times of turbulence that we happen to find ourselves and the need for change, it is all the more essential that the board be able to draw upon the wisdom and knowledge of elected faculty from senate. I would much rather have six faculty elected to the board. I note that deans can be among them. Currently the Dean of Arts, for example, is a

member of the board of governors. I would much rather have six faculty elected to the board, increase the number of students as proposed, and have thereby a 26-member board of governors.

Recent changes in the committee structure of the board which permits the main business to be undertaken in committees in the first instance means that it is not necessary to keep the board size at 23. I do appreciate that this was a concern because in some instances very large boards can indeed be cumbersome. So I do appreciate the concern. But because our board has gone to a committee structure, I do not think it is as necessary a concern as may have been originally.

Any member of the board may attend any committee meeting, enter into the discussion, and may voice dissent at a higher level, that is, for example, at the full board where the decisions are ultimately made. Accordingly, a board of nine government appointees, six students, six elected academics from senate, three alumni, the president and the chancellor, reflects the appropriate composition even if the total membership is thus increased by three. I say nine government appointees, although I mean from the six students, three of them would be appointed by government.

Finally, on the matter of the amendments related to mandatory retirement, perhaps I am biased because I come from another jurisdiction where in fact there is a mandatory retirement age. Certainly, I am in agreement with what my predecessor had initiated. Faculty renewal is a concern to me because we do need to make new appointments to bring the knowledge of young academics to this university. The university's business is knowledge, and this knowledge changes with the creation of new knowledge through research and the methods whereby this research is undertaken. Faculty renewal is a major concern to all university presidents, given the demographic profile of academics at most universities in this country.

The amendment on mandatory requirement will permit the development of a fair system of retirement at age 65 within the university, and thus positions will be opened up to allow new appointments in the areas deemed important to the new directions that the University of Manitoba needs to take. That is really the sum of the material that I already transmitted to the minister.

Mr. Chairperson: Thank you very much for your presentation. Questions?

Ms. Mihychuk: Thank you for your presentation. Obviously, one of the influences that government does have on the board of governors for the university is to hold the majority of seats. I am not known to mince words, and I will not do that now. Your recommendation would then reduce the number of seats or the influence on the board of governors. Has consideration been given to that?

Ms. Szathmáry: One of our members of the board of governors did raise this issue. The current composition, in fact, allows for 52 percent representation on the board by government appointees. The numbers that I have recommended would reduce the government appointees to, I believe, it is 46 percent. I think that it is relatively easy to rearrange things in such a way if government wants to keep it at 52 percent. For example, nine lay people, if that is government's intention, plus four students would bring 13 out of 26; and, if I have calculated correctly, that would be 52 percent. That could mean that three alumni could continue to be elected by the alumni association. There could still be six senators elected by senate. The president and the chancellor are both members of the board of governors. A number that might change are the two student representatives from UMSU who would be appointed by students.

There are other ways to tinker as well. For example, we have traditionally elected from senate, as I say, five members of faculty and one student. For example, if government wishes to keep the students as in the original composition, you could keep three student representatives, five members of faculty—again, it would not be at the expense of faculty—which is my principal concern. My job is to repeat over and over again that the university is a university because it is comprised in terms of its core elements of faculty and students. Without students we are a research institute.

The issue for me of bringing faculty and students together, and always constantly reminding them that in fact they serve each other's interest is essential, and if the impression is created that the composition of the board is being altered at the expense of faculty, it becomes more

difficult to bring around the mutual concerns that clearly are the concerns of the university as a whole.

Ms. Mihychuk: In terms of the enabling legislation for mandatory retirement, are you not concerned that this legislation is bringing a heavy hand dealing with retirement rather than perhaps looking at other administrative ways of moving people at retirement age?

* (1950)

Ms. Szathmáry: If I read the bill correctly with reference to those individuals who are members of a bargaining unit at the time that they would hit age 65, it would allow for negotiated bargaining to bring into being a retirement age. I happen to think that, if in fact legislation permits faculty to unionize, then in fact this would allow that sort of bargaining so that a negotiated agreement could be brought about, and I do not see anything wrong with that.

Ms. Mihychuk: Does it concern you that the faculty organization is opposed to this provision and that administration is coming forward basically unilaterally on a situation that affects both management and the staff?

Ms. Szathmáry: Probably I would be concerned with it if I had been here when in fact the thing was proposed, but I inherited it, so it is therefore my problem to deal with it. I do not have ownership of the original recommendations. That was done by my predecessor. So I do not feel about it the way that you do. However, for me it is a real important issue for I already said about the need for faculty renewal, but quite beyond that, it is fact that the grant to the universities has decreased in real dollar terms in the last nine years by something in the order of 7.6 percent. Right now we have more than \$4,280,000 tied up in the salaries and benefits that go to individuals who are past age 65. There are in fact provisions, for example, for the academics at the university to actually carry on with their academic life, if they wish to, as senior scholars, retain office space, they are eligible to apply for research grants. This is certainly what is being done in other jurisdictions of the country.

Ms. McGifford: Thank you, Mr. Chair. Thank you for your presentation, Dr. Szathmáry. I had a conversation with a former member of the board of governors who told me that at the time he served, Mr. Sam Feldman, who I

believe was the chancellor at that point, did a worldwide inquiry and found that the University of Manitoba at that time was one of the few universities in the English-speaking world that did not have senators on the board of governors. This was changed creating movement between the managerial and collegial aspects of the university. I asked the earlier presenters if they knew how many senators generally sat on Boards of Governors in other universities in Canada or in other places in the English-speaking world or in the French-speaking world or whatever, because I am interested in that tradition, and I wonder if you have any information.

Mr. Chairperson: Would you answer quickly, because we have come to the end of the—

Ms. Szathmáry: I do have some information. It is not necessarily on the matter of senators. The Premier had asked me to compile some information for him and I did, and I do have a table that details the situation in Canada. I begin with 15 universities that also have medical schools across the nation, and the table actually shows the number of students on the board of governors and also the number of faculty on the board of governors. In general there is a difference in pattern between the eastern and the western universities. Manitoba sometimes falls in both camps. Then I expanded that in another table to add to it other universities that were more comprehensive and did not have medical schools. I would be quite happy to duplicate the table. I will not duplicate the letter that went to the Premier, because that was at his request, but I do not think he would mind the table at all.

Mr. Chairperson: Okay, that can be done. Thank you for presentation on that bill. You may now proceed with the—did you want the photocopying done now, Dr. Szathmáry?

Ms. Szathmáry: Well, if you would like to have it tonight, then somebody could do it.

Mr. Chairperson: Yes, that can be arranged. You are going to then take a break now and make your other presentation later?

Ms. Szathmáry: Am I the next in line?

Mr. Chairperson: You can. While this is being done, perhaps we could call on the next speaker, and then we

will not have any down time. Is that all right? The next speaker on the list is Alden Turner, and then we will go back after Alden Turner is done to Dr. Szathmáry. Professor Turner.

Mr. Alden Turner (President, University of Winnipeg Faculty Association): The University of Winnipeg Faculty Association wishes to support the University of Manitoba Faculty Association's position that Bill 48 be amended by deleting the substitution of the new clause (c), thereby retaining clause (c) as six members elected by the senate from among the members thereof.

We are concerned that the changes that will affect the governance of universities under Bill 32 may be compounded for our institutions should there be also changes to our internal governance structure. I would like to read a passage from the Roblin commission that deals with internal university governance, and then I would like to ask a question.

Mr. Roblin writes: In a period when the speed of change confronts many institutions in our society, universities are encumbered with a way of doing things that renders change and the decisions to change more than usually difficult. The demands of financial constraints, the establishment of institutional priorities, and the making of strategic decisions to which this report refers challenges the internal governance system of universities to accommodate to them in a timely fashion. A way must be found to ensure that the priorities of the university as a whole are not unreasonably influenced by particular interests.

In the face of this situation, the first step must be to look to the boards of governors' regents. A review of relevant statutes, The University of Manitoba Act in the case of the University of Manitoba, and The Universities Establishment Act in the case of the University of Winnipeg and Brandon University, indicates that the powers of boards are sufficiently well defined to provide adequate authority for board leadership. In fact their plenary powers make boards the paramount authority in the university structure. Responsibility for the proper oversight of the institution is entrusted to their care. In light of their responsibilities, it will also be useful for boards to review their own methods of operation. What is the optimum number of board members? Should the

chairperson be appointed by government? Though it may not be a full-time position, would the post be better served if it were compensated? Would it be advantageous to select board members on the basis of their expertise with their representational character being a secondary consideration? Should boards establish their own secretariat to support their activities?

If our recommendations concerning resource allocation and institutional priorities are accepted, it will be the task of the boards to give leadership and oversight in their implementation in accordance with their statutory obligations. In any case they should turn their attention to a more focused mechanism in dealing with resource allocation decisions, institutional priorities and strategic directions. Channels of responsibility in decision making must be properly co-ordinated. This involves internal management practices. Boards must examine the way in which decisions are made. This includes the decision-making role of senior officers, senate, faculties, and departments. Are responsibilities appropriately defined? Do functions overlap?

We recommend that boards of governors' regents review the internal decision-making processes and management practices of universities with the view to reforming the ways in which they deal with resource allocation, institutional priorities and strategic direction. In such a review we believe that boards may look with confidence to an academic community well furnished with ability to offer initiative and co-operation to make necessary changes within timely limits.

I have read from Mr. Roblin's report because I think it contains some very wise advice with regard to the internal governance of universities. What Mr. Roblin emphasizes here is that the boards of governors do their own assessment of their own practices, their own make-up and how those fit with other institutional structures and other institutional bodies. Mr. Roblin was wise enough to know that this is the way that a university works. We need the autonomy to be able to review our own processes, our own procedures, our own bodies. We do not need the government telling us who is going to be on our board and how many people will be represented, and we certainly should not be making changes in these areas unless there is a good reason for doing so.

* (2000)

That is what puzzles me about Bill 48. I have yet to hear the reason why it is necessary to reduce the number of senator representatives from six to three. I would like an answer to that question. Why reduce from six to three? What is the point? It not only runs against the recommendations of the Roblin commission, which suggested that, if there are to be changes to be made, maybe the board should be suggesting these changes. But it just does not make any sense. Why change?

I am afraid that, with regard to not only Bill 48 but certainly Bill 32, this rush to change the universities is driving the distance between government and the institutions further and further apart. The spirit of Mr. Roblin's recommendations was that government and the institutions need to co-operate and they need to collaborate and they need to, above all else, communicate. It is quite apparent from these hearings that that spirit of co-operation, that spirit of collaboration, that spirit of communication is sorely lacking.

Mr. Chairperson: Questions?

Ms. Mihychuk: Thank you for your presentation. You made no mention of the second part of the bill. Many of the bills have actually two sections and, in this case, this one is quite different from the governance structure of the board of governors. Has the faculty association taken a position on the second part of this bill?

Mr. Turner: We have not taken a position on the second part of this bill because at the University of Winnipeg, we have not had very much, if any, experience with the kinds of situations that have developed at the U of M in recent years. I do not believe we have any faculty over the age of 65 currently teaching at the University of Winnipeg. If we do, there may be one of two right on the cusp of retirement. So we did not feel it appropriate for us, without this experience, to take a position.

Ms. Mihychuk: The reason I ask is that people are saying that the bill actually discriminates and it focuses on one institution, and that, if such a change would take place, mandatory retirement or the provision for that voluntary negotiation of mandatory retirement may be enacted across Manitoba for all workers so that, indeed, if the government was going to look at one institution, it would also include the University of Winnipeg and Brandon. So I was curious as to that. Although the

situation now at the University of Winnipeg does not have senior faculty members, presumably in the past they had or in the future they will. If you would like to make a comment?

Mr. Turner: I do think that it is important to recognize the extent to which in this legislation faculty members at one institution and, indeed, faculty members among many professionals and workers in Manitoba, are being singled out. I think that it is a dangerous precedent to introduce legislation which is so specific, so targeted, as to affect 17, 20, 25 people at one institution. Legislation should offer a general framework for policies and practices. Legislation should not be invasive of the rights and responsibilities of limited numbers of citizens, and I think that that is the problem with this legislation.

I think that the more general context within which this legislation is introduced, the context whereby, for instance, under Bill 72 we see the collective bargaining rights of teachers being targeted, that is another example of the same kind of practice. Again, I do not think that Manitobans want to get into a situation where governments are targeting specific groups of individuals under specific pieces of legislation for particular kinds of treatment. This is not an appropriate role for government to play in society.

Ms. McGifford: Thank you, Dr. Turner, for your presentation. Could you tell me, do faculty members at University of Winnipeg fear that if indeed this legislation is enacted making these changes to senate representation on the board of governors at the University of Manitoba something similar may come to University of Winnipeg and affect the number of faculty representatives on the governing body at University of Winnipeg? It is the board of regents, is it not?

Mr. Turner: Yes, it is the board of regents at the University of Winnipeg. Our structure is somewhat different than the structure at the University of Manitoba because of our traditional affiliations with the United Church. The United Church of Canada still remains an important player in our board of regents' deliberations. So those members are valued. I think that our structure serves us quite well in the same way that the present structure at the U of M seems to serve the U of M quite well. My point is, I do not see the need for changes. I would like to have some answer to my question to the

effect, why is it that we need to reduce the number of senate members from six to three?

Ms. McGifford: Of course, not being the Minister of Education, I am not in a position to answer your question. I would like to have an answer to your question as well, however. But that was my next question to you. I wonder if you have any ideas why you think this change may be taking place, if you have any ideas as to why there will be a reduction or why the minister plans to reduce the number of senate representatives from six to three, because I do not. I have not heard an explanation.

Mr. Turner: No, I do not agree with many parts of Bill 32, but at least I understand it. This one mystifies me. It just totally mystifies me. I can understand the need for more student representation on the board, especially if students feel that their voices are not being heard.

At the University of Winnipeg, I often wish that students would speak more often and speak more forcefully to some of the issues that do come to the board. Maybe the issue is not numbers, but maybe the issue is the individuals who are serving on the boards, whether they are students or faculty or government appointees. I think what we are interested in is quality. We are interested in effectiveness. I am not sure that the numbers are really the issue here. Whether it is six students or three students, the issue is their voices should be heard.

Mrs. Shirley Render (St. Vital): I was at United College many a year ago, and at the tender age of 18 quite often professors looked far older than maybe 35, 45 or 55 or 65. Perhaps you do not have people falling into that age grouping right now, but I am wondering, do you know what the practice is of mandatory retirement at other universities? I understand that it has not been a problem, so you have not had to address it, but I am wondering if you are aware of what the practice is elsewhere across the country.

Mr. Chairperson: Briefly, Professor Turner.

Mr. Turner: In general, retirements occur in relation to the kinds of incentives that are offered under pension plans, and, in general, what happens is that the kinds of collective agreements that are signed reflect both desired ages of retirement and optimum levels of pension

benefits. I think that especially in these times it is very important that people feel that they have adequate financial reserves, adequate financial supports for themselves before they take retirement. Perhaps a reasonable way of addressing this issue is to set aside funds to ensure that cost of living and those kinds of things will be addressed. I do not think it is something that can be legislated.

* (2010)

Mr. Chairperson: Thank you very much, Professor Turner.

I have another special request. Wesley Stevens, who is No. 16 on Bill 32, has been here three times but was absent when called twice. He does want to speak tonight. He requests permission to speak before 8:30 p.m. or after 11:30 p.m. because of another appointment. So it would either have to be right now or at 11:30. What is the wish of the committee?

An Honourable Member: We can hear him now.

Ms. McGifford: Can we, Mr. Chair, then get Ms. Friesen? She is in and out, I know, but she is not certain of the agenda. Not being certain of the agenda means that she will not be here unless somebody goes in search of her.

Mr. Chairperson: Okay, can we start the presentation now and the search is on?

An Honourable Member: Oh, here comes Ms. Friesen.

Mr. Chairperson: Perfect timing. It looks like the committee will accommodate Wesley Stevens on Bill 32. You may begin your presentation, sir.

Mr. Wesley M. Stevens (Private Citizen): Thank you, Mr. Chairman, I appreciate your accommodating my interests. You are working dreadfully hard and dreadfully long, and I know you have been working when I was at home asleep. So I really do appreciate your making a space for me just now. I have a very short point to make, and I will not take much of your time.

My question has to do with tuition and how it is collected and by whom. First of all I should say that in

my view the government should be commended for its interest in universities. I agree that the Universities Grants Commission does not operate very well. Apparently the government believes this, and I agree with that. I agree that the universities have not always been managed. I will not give any details about that, but definitely I agree with that. The government does put up most of the money, not all but most, and it has legitimate concerns about the mission of each university and its facilities for teaching and for research. The question is, of course, what should be done about all this, and I am addressing Bill 32.

One of the biggest problems is in the schools which graduate too many kids with high marks but low levels of English and mathematics. The minister has already acted to help the schools correct that by reintroducing general English tests and general mathematics tests at the collegiate level. These tests are only advisory, but gradually they should have a positive effect on the performance of both teachers and students in my view. The graduates then who come to the universities and the colleges should become better prepared year by year. It will take some time, but they should be improved in this new situation, and that will eventually improve the quality of instruction in the universities, and for this I am grateful to the minister, Mrs. McIntosh. I am very grateful to you and to the government that is supporting her in this regard.

Now, I should ask the minister also to address a different matter with such good will and strong will that she has exercised in this other regard, and that is a question of university tuition. It is not for me a question of how high or how low. That will vary from time to time and situation to situation. The question for me is how to manage it in practice.

This matter has a history. In 1967, the Universities Grants Commission was given authority to determine levels of tuition in all universities and colleges. It very wisely did not do so. In 1974, the Universities Grants Commission began to suggest percentages of increase, suggest. Gradually, however, this became a pattern, and in 1979, the UGC began to exercise its full powers by actually setting the tuition levels. It thereby removed responsibility from the university boards and presidents. All of that from the beginning in 1974 was a mistake, a serious mistake, in corporate management. In December

1993, the Roblin commission made a recommendation about this very question having to do with management and responsibility.

No. 28, it is recommended that universities set their own fees but that across-the-board undergraduate tuition fee increases be avoided and that the present level of tuition fees, that is in 1993, be maintained pending decisions on the financial recommendations of this report.

Universities are corporations, corporations which provide services to the people of Manitoba. They may also be said to produce graduates with marketable skills, highly employable graduates. All statistics demonstrate this. Please allow me to use those terms, product and market. If you have a product and there is a market for it, you are constantly under pressure to evaluate your capital and equipment, employ the most qualified staff, make decisions about costs and prices, and to keep up with every new development, and much else. You have to be on top of things.

Officers of government, on the other hand, have other things to be on top of, and too many things. Whether they are elected or appointed or employed directly, officers of government will always be outside of the action of university corporations, distant from their products, distant from their markets in that sense of running an industry. The government, I believe, should stop intervening with the fees, even though it is legal. The law was a mistake in 1967. You, this government, should leave it to those who have to deal directly with the product and the market. I think that is good business.

At present, in my view, the quality of the university product in the province is not too good. I would not say it is bad, but it is certainly not excellent overall. But the management of the universities is really fumbling, and it should be said that the quality of the product has not been improving in recent years in my experience. In my opinion, the boards and presidents are distracted. Perhaps they are distracted by the meagreness of funds. Perhaps they are distracted by political considerations which are really weighing heavily on them at the moment.

The inability to set their own fees, and thus cope with some of their own management problems has taken away their independence of action to a degree that is a mistake, and these things may have reduced their, I have to say it,

drive to compete, their drive to do the best that they know.

As a matter of reason and experience, therefore, my best advice to the government is to keep The UGC Act, but with amendments. One of those amendments should be, in my view, to take away from the UGC its power to set tuition fees. I would do everything I could to keep university managers on their toes. It is their decision how to deal with things, all things between the product and the market. This would be a very small, but it would be a direct step in the direction of good management, to make sure that they and not you, the government, set tuition fees.

* (2020)

I request that you turn the Roblin commission recommendation, No. 28, into law by amending The UGC Act. Kathleen Richardson, Sid Gordon, Kevin Kavanagh, and Duff Roblin are people I respect, and they have said to you, it is recommended that universities set their own fees. That would have good results, I believe, for the management of universities as corporations, and I believe that you should listen to them. Thank you for your consideration.

Mr. Chairperson: Thank you, Dr. Stevens.

Mrs. McIntosh: Thank you very much, and thank you for your patience because, as with so many presenters at these committee hearings, it is often a long wait and I am always impressed with the way people will patiently wait until their turn comes.

I just want to indicate to you what we are doing with tuition fees and then ask if you feel it fits with what you are expecting or would like to see. As you know, right now we have a committee, a subcommittee of the interim transition committee working on a proposed policy that they could present to the council once the council is struck, and what is being asked for is not the setting of a fee but a framework within which university administrations and boards can set their fees, for example. This is difficult because I do not know what they are going to recommend. So I will pull some examples out of the air, which may or may not be what the committee is looking at to recommend. They may recommend, for example, that colleges and universities when setting their fees take

into account the differential between high cost professional faculties and lower cost liberal arts faculties and have a differential fee. I do not know if that would be one, but that could be one.

So, if they came up with a series of recommendations that were of that ilk, sort of a guideline, but not a tuition fee, the idea being to try to get some sort of consistency of approach in the decision-making process, but then stepped back and said, okay, here are some of the rules for how you make tuition-fee decisions or the way we would like you to. But then the university could still set its own fees, but they would be whatever they want them to be, I guess, but within a framework or terms of reference. Is that far away from what you are asking? Is that what you were expecting we would be doing?

Mr. Stevens: I am a retired professor, a little bit distant from the day-to-day affairs of running a university.

It is, Mrs. McIntosh. That sounds to me like a reasonable way to go. My concern, though, is the question of where the decisive authority should lie. While I often do not trust managers of large organizations that I have to deal with, and I have fought with the officers of my own university, God knows, nevertheless, it seems to me that the public is better off when we have institutions that when it comes to money they have a voice. And when it comes to—well, all right, could I follow one of your suggestions? Brandon University has a marvellous education faculty and a great music school. Is there any reason why one should not pay for that? The regents of that university are not going to price themselves out of the market, but there is a demand, and they meet it very well. I would not mind if they just showed it a little bit by raising their tuition rather than having to make it the same as somewhere else or something else. But the managers, government, should never have anything to do with that. The guys who are in the midst of the fight and dealing with it and have a good product, they are the ones who should make up their minds about how best to operate in this market.

Mrs. McIntosh: Just a very quick supplementary, because I think others are wanting a question too. Then your main point for us to keep in mind is that whatever kind of framework or guidelines are set down, it should be the institution itself that sets the fee, and the guideline

should be, if they are going to be, and we will be having some, should be as flexible and as wide as possible, not tight and restrictive. I give them lots of room to decide.

Mr. Stevens: That is correct. Thanks.

Ms. Friesen: Thank you for the presentation. Perhaps just to follow up with a note on fees, within—

Mr. Chairperson: Quickly. You are running out of time so you might want to put the question.

Ms. Friesen: Mr. Chairman, I only just started. University charters still allow the universities to set fees. In fact, there may indeed be a conflict between some elements of this act and some elements of those which are already left on the books.

I wanted to ask you about accessibility. The other side of turning students into customers, of course, is the issue of accessibility. How would you advise us on that? Should there be something in this bill which would look at accessibility? Loans, bursaries, whatever?

Mr. Stevens: I think every government has to be concerned about making higher education available to the public. However, I do not think that accessibility or, let us say, entrance standards at all of the schools which it supports should be the same. I think a little variety and a little competition would be very healthy in our province. There may be students who could start off, as I did, rather a weak student at a public institution paying an incredibly low tuition. There may be someone from my high school class, and this is what happened, who can afford to go to a very high-cost institution already having demonstrated skills that qualified him for that. That is what happened with me. I think that would be helpful.

Mr. Chairperson: Time has expired, so leave for him to finish the answer? Is there leave granted? [agreed] You can finish the answer.

Mr. Stevens: Thank you very much. I essentially have finished the answer. I think a little variety would be healthy. I do not care, I really do not care to say, I do not think the government should care to say, that every student should be equally able to enter whatever institution they please, but in the province there should be equal opportunity to higher education in general.

My view is, let the institutions figure these things out and do their best where their strengths are, and manage it as they think best. They are not going to hurt themselves.

Mr. Chairperson: Thank you very much for your presentation. I would now like to call again on Dr. Szathmáry.

Ms. Szathmáry: The material that is being distributed is what I had talked to earlier, and apparently the two tables that I had given the Premier (Mr. Filmon) at his request are stapled, so not all of that went to the Minister McIntosh. But I do have—may I begin?

Mr. Chairperson: You may begin. Do you have copies of your presentation on Bill 32?

Ms. Szathmáry: No, I just want to speak to it, but I do have something for distribution.

Mr. Chairperson: There is something for distribution. The Clerk will look after that momentarily. You may begin your presentation in the meantime.

Ms. Szathmáry: I asked to be put on the record to speak. There did not seem to be any need for it originally, but I did ask to be put on it for a few reasons.

Bill 32, and given the amendments that have already been proposed to a little bit, is like a moveable feast. It changes from day to day. I did want to put on the record in response actually to the minister's comment—I think it was to the chair of senate from Brandon University or maybe it was to the students—that only Brandon spoke with one voice on Bill 32, at least in some core elements. Of course, universities are competitive beasts, and I took great pride in the letter that I sent to the minister early in September that in fact we were speaking with one voice also.

* (2030)

Senate had commented on Bill 32, the student union endorsed senate's comments on Bill 32, and then the chair of the board of governors and I drafted a letter to which these two documents were attached, and that is the document that I have asked to be distributed here. The specific contents of the letter itself, we spoke at that point

in terms of general concerns and now we can get down to more specific concerns given what has already occurred. I did want to have that as a matter of record that in fact it did represent the university members pulling together along with their boards of governors.

I also wanted publicly to acknowledge the responsiveness of Minister McIntosh to suggestions that had been made to her by COPUM—I am learning the acronyms—the Council of the Presidents of the Universities of Manitoba. Again, in the first instance speaking in unison with their board chairs, plus the presidents of all of Manitoba's community colleges. Now I do not know whether the minister has already incorporated some of the wording that we had submitted to her on the act in new amendments, because when the COPUM presidents and the two community college presidents met with her last Monday, she did indicate that she would incorporate some new wording into the bill, so I accept what she told us.

I do have some remaining concerns about two of the amendments to Bill 32 that had been announced, specifically regarding Clause 14(2), the definitions, and then Clause 14(2) itself. At the minister's request, COPUM had made suggestions to her on how these could be dealt with, and I hope that that particular wording will be helpful to the minister.

What I would like to bring to the committee's attention is the phrase in Clause 3.2 that needs removal from Bill 32 to be consistent with the minister's intention, to leave academic policy within the jurisdiction of colleges and university boards and senates as defined in their own pieces of legislation and not to micromanage the universities. I am mindful of what the minister told me. She is quite right, not only is she not going to be minister forever but I am not going to be president forever. Therefore, it is incumbent on us I think to help to make the words right, myself included, and that is one of the reasons why I am here.

The specifics on one of the proposed amendments regarding definitions and specifically the definitions of increase and decrease. These are of great concern to the University of Manitoba especially because of the inclusion of a statement in each definition on length of programs. University of Manitoba is the only university in the province that has the professional schools that

require accreditation by external bodies, and the accreditation requirements are such that in many instances they define what are key courses and elements of the curriculum. If the external accreditation body, for example, for Medicine, Dentistry, Nursing, Engineering, or even Management, et cetera, says, thou shalt have X more courses than you have now in order to remain accredited, we have to comply. Likewise, if they wish to have certain things removed, because, as I said earlier, knowledge changes, then the length of the curriculum, and the program then, decreases. So it is of great concern to us that this at least be recognized that this makes it somewhat difficult if we have to secure permission, and yet in fact this is something that is required by an external accreditation agency.

We are also concerned because the two definitions that had been introduced—and this is with reference to the other COPUM presidents, this is what really from our perspective made things rather unworkable—is the reference to student numbers. In fact, as regards students in most programs, there are no ceilings. There are some ceilings in some restricted programs; in most instances, there are not. So you could have a fair number of students registered to enter a particular program. They enter it, but every university has what is called drop ed. deadline day, and if in fact the numbers that have entered decide to drop, well, in effect the next day the programming is affected. How do we then seek permission from the new authority in terms of decrease in the number of students, or the increase, because those students would go to some other program?

So the COPUM presidents were of the opinion that, because of these things, that particular amendment would make it unworkable. The community college presidents were not all at that particular meeting where we spoke to this, but the two of them who were there spoke of their great need for flexibility and rapid response to program requirements in their particular areas, and that they also felt that it would be unworkable if, in fact, written permission was required because of the amount of work that the new council would have to do. Our perspective is that it is unworkable.

Now, the clause itself in 3(2) that is really problematic, that is of great concern to me, which, I think, is inconsistent with the stated intentions and actions, I should add, of the minister in terms of the modifications

she has indicated she would make, is the clause that says: "Subject to the power to regulate programs under section 14." I think that if that were deleted, it would go a long way to make Bill 32 an internally consistent document. I felt that I really had to speak to this, given that I am on record for saying that the words are important. Well, if that is the case, then I think I needed to bring it to the committee's attention. That is essentially the sum of my presentation to you.

Mr. Chairperson: Thank you for that.

Mrs. McIntosh: Thank you very much, Doctor. I must say I really have enjoyed the meetings I have had with you and the meeting with the COPUM group. The presidents of the institutions are very unique, special people. You can tell their presidents when you get them all together and they start thinking aloud.

We have, and they are prepared for drafting and introduction, addressed the concerns the presidents mentioned. I think they were very good concerns. The one that you have just mentioned where those words could be removed, we are going to do. We have also taken a look at the definitions, and I think we might be reverting to what was before, which was nothing there before, and in attempting to introduce the definition for "reduce," we did all the others. I think the points that you have made on that were quite good, you and your other presidential colleagues.

I am just trying to figure, what was the other one?

Ms. Szathmáry: There was another one that Marsha Hanen raised in a letter, Minister.

Mrs. McIntosh: Yes, and we are addressing that one as well.

Ms. Szathmáry: Including students.

Mrs. McIntosh: The numbers, yes. I think if we use wording such as—this has to be confirmed yet—but if we make wording such as "make significant modifications to,"—and I am into a different clause right now—or "cease to provide" in that one section, which was your other concern, new or expanded to get around the wording that was there.

At any rate, we have taken the concerns that were mentioned. We are drafting up amendments that I think will address your concerns and actually improve and clarify our intent, so as soon as we get those, we will run them over with you. But thank you very much for that input; it was very helpful.

Mr. Stan Struthers (Dauphin): Doctor, I am interested in the comments you made on Section 14 under definitions, 14(1). Could you define for me what you see as expand and service?

Ms. Szathmáry: I would prefer to be silent on it. I think that there is a reason why the original document was silent, although The Universities Grants Commission Act has flaws in it. So I think even without the initiative taken by government, I think the universities might have asked for some alteration in it. We prefer to have it silent. That has been the position of COPUM and I certainly am—we were all united in agreement on that, that it is better not to have the definitions.

Ms. Mihychuk: The University of Manitoba has a proud tradition of accepting a wide variety of students, and the accessibility of secondary education has been a proud heritage in Manitoba. We have Access programs. I am familiar with a weekend college that allows teacher assistance to get an education degree, an opportunity that many of those women would never have an opportunity to access. There are various initiatives that we have to reach out to our aboriginal people and people that have not completed the academic training that has traditionally been a requirement for university.

Are you concerned, given the financial constraints that the university is facing, that accessibility will be impacted by these financial difficulties?

Ms. Szathmáry: Not in my institution. I happen to think that that is one of the credits to the University of Manitoba and to the population that actually created it, that it has certain principles, and one of the principles is that of accessibility, which cost us greatly in the annual Maclean's survey.

Universities are only as good as the people that they have, and the people are faculty and students. Maclean's has the opinion that the equality of students can be indicated by the admission averages that they bring, and

they rate that particular question in the array of questions very highly. I think it has a 20 percent rate attached. Now that is a fair assumption, that the admission average is indicative of student quality, if certain other assumptions are true, and notable among that is whether there is a level playing field.

The University of Manitoba does not accept the notion that there is a level playing field for the students that leave our secondary schools within the province, let alone across the country. We know the socioeconomic circumstances for students in high schools to take on jobs which limits the amount of time that they can have to focus on their studies. We know that there are varying circumstances, some is the different cultural backgrounds like you mentioned. I think this is a source of credit to the University of Manitoba and the fact that our graduates do as well as they do upon graduation. We are not talking recent history here, although recent history also demonstrates it. The fact that they do as well as they do is a testament to the overall teaching quality of the faculty at the university.

* (2040)

One of the things that did not emerge in the newspaper when the Angus Reid poll was released—and it is worth noting that this was a true innovation by our students to have a third-party design questionnaire that had validity and reliability and a third party that scored it, so the administration had no hand in it whatsoever—81 percent of the faculty that had admissible returns—and there were 11,000 of these questionnaires released for over 600 courses—but 81 percent of the faculty that had admissible returns, by the students that is, had a rating of seven or higher on a 10-point scale. I think that is extraordinary, and that is, in fact, a testament to how it is that students that have the potential to succeed in university but do not necessarily possess the entrance averages, let us say, demanded by Queen's University of 85 percent, nevertheless, in fact, do well on graduation.

We have also done some internal comparisons and external comparisons. We are a member of a western North American consortium of universities. We have done comparisons of the percentage that actually graduated after four years of university study, and our comparison group included western public American

universities with 18,000 students or more, and in fact we performed better than they do, slightly better.

We have also compared our cohort of students who come in with averages of 75 percent or higher, and in fact our performance after four years is indistinguishable from that of the University of Toronto or Queen's University. So I think, in fact, we do have students that have potential even though for some of them the admission average may be lower. It is a principle that is worth defending, and I am very pleased to be the president of a university that lives by that principle, however Maclean's magazine happens to score us.

Mr. Chairperson: Ms. Friesen, we just have a minute.

Ms. Szathmáry: I speak in 50-minute segments. I am basically a professor.

Ms. Friesen: I wanted to ask you about the issue that I asked an earlier presenter, and that is the issue of overlap. One of the concerns of the Universities Grants Commission as well as of the proposed new council is the issue of overlap, and I wondered how you or the—well, you cannot speak for the Council of Presidents on this, but certainly the University of Manitoba is looking at that issue and how university policy would fit with the directions that are being given to this new council.

Ms. Szathmáry: The specific view of the University of Manitoba is that in terms of proposal of new programs, the heir to the Universities Grants Commission should consider whether in fact it is necessary to have yet another program, but there are many other instances where if we have four universities, and I am including the collège in there, there are going to be some areas of overlap by definition, basic literacy, numeracy and so on, I mean, that is the heart of the curriculum. So there is going to be an overlap and there is going to be some—well, reasonable overlap, I do not think is a problem for anybody.

We also have a fair amount of co-operation. It is worth pointing out that the different institutions do tend to vary a little bit in terms of their specializations. I will just cite the example that at the University of Winnipeg, the study of government is done within the Department of Political Science, whereas at the University of Manitoba, the study of government is done within the Department of Political

Studies. There is a reason for this because they represent different philosophical traditions. At the University of Manitoba the approach to the study of power in government tends to be more philosophically, therefore humanistically, rooted, whereas in the case of the University of Winnipeg it tends to be more empiricist, more survey based and so forth. Both approaches are perfectly legitimate ways of approaching the subject, and certain core things do have to be taught in order to make each university have a credible degree in the subject, but the emphases are different and the totality is important to have within a province because it gives students choice in terms of what they would prefer emphasizing in their course of studies.

Mr. Chairperson: Thank you very much for your presentation this evening and for your attending on many other evenings before this.

Ms. Friesen: It is a question of process, through you to the minister, and the issue is, the minister said that she would be drafting some wording which would deal with some of the concerns of the Council of Presidents, and that she would send them over. I wondered if the minister would be tabling those at the same time that she is sending them over, so that they are in fact public rather than a private discussion.

Mrs. McIntosh: Thank you very much, Mr. Chairman, and I will clarify for the member because it is a good question.

In meeting with the presidents, they had identified a number of wording changes they thought would improve the bill. I do not know if we have taken all of them, but I think pretty well all of them, there may be one or two minor ones, but they made good points, we like them. So we have spoken to legal counsel and asked them to draft up amendments that would capture it. We will just have to check them internally, but we have already done a little precheck just to see what the wording looks like. We will be just checking again with the presidents to say, is this what you were looking for, to make sure that we have it right from what their intentions were to us; we think we have. Then we will be bringing them—we will be moving very quickly, of course, because this will be coming up clause by clause, but as soon as they are ready, properly in form and presented—immediately here as I have with the others as soon as they have gotten ready, so that all

here can take a look at them. They do address a lot of the points that Dr. Szathmáry has made here tonight.

Mr. Chairperson: Thank you very much to the honourable minister and Dr. Szathmáry.

Ms. Szathmáry: Thank you very much.

Mr. Chairperson: Now, Jesse Vorst. Jesse Vorst, Jesse Vorst, not being here, will go to the bottom of the list. Neil Tudiver, and I note that you are on both lists for 48 and 32, sir.

Mr. Neil Tudiver (Private Citizen): Yes, Mr. Chairperson.

Mr. Chairperson: And you would like to present on both of them.

Mr. Tudiver: Yes, if that is acceptable.

Mr. Chairperson: If that is convenient for you, that is what has been agreed to.

Mr. Tudiver: It certainly is. I am passing around a written presentation that I will refer to later on Bill 32. If I may, I would like to present first on Bill 48.

Mr. Chairperson: That is fine. You may proceed.

Mr. Tudiver: I do not have a written presentation for Bill 48. In fact, I have some fairly brief comments on the two central aspects of the bill.

First, on the composition of the board of governors, I concur with the statements of the president of the University of Manitoba who stated the position far more eloquently than I will this evening, and I concur with the recommendation that she has put forward. I certainly think it is welcome to see the addition of more students on the board of governors at the University of Manitoba. Students have been calling for greater numbers in their representation on the board of governors and that is commendable. I do not think it would be advisable, useful or productive to add students at the cost of losing faculty members. This would be out of step with the traditions at the University of Manitoba and, in fact, the traditions of board composition across the country. I do not have access to the specific data. I do know that there

is quite a wide range of faculty representation on boards of governors across the country. President Szathmáry referred to bicameral systems. There are one or two universities that have what are called unicameral systems, University of Toronto being one of them, where there is in fact very large representation by faculty on the board, on the senior governing body at the University of Toronto.

* (2050)

Faculty from senate—and it should be pointed out that in the current UGC Act, as well as the proposed amendments, the senate is quite a diverse body and it elects the representatives to the board of governors from its own membership. In other words, it is free to elect nonfaculty from among its members. The tradition has been that five of those people have been faculty members, some of them rank-and-file faculty members, some of them deans. They do bring the teaching and research perspective to the board of governors. To my mind, this is a valuable and necessary component of board decision making, especially when there is a fairly large component chosen by the government who are in fact laypersons, or many of them are laypersons. Many of them in fact put therefore financial expertise, which may be appropriate certainly, but do not bring the expertise, the knowledge and level of detail of university operations that faculty can bring.

I should also point out that faculty are coming from a diverse range of disciplines, and increasingly we find at the University of Manitoba, like many other universities, we are delivering programs in ever wider delivery modes, so that we have more than just on-campus programs. We have satellite programs that a few faculties offer. We are developing quite rapidly distance education and teleconferencing modes of teaching. It is certainly, I would argue, quite useful and important to have people who have that wide range of experience. If you reduce the number of faculty to just three, then the pool is even smaller from which to draw the wider range of expertise that is necessary, given the diversity of teaching that is going on at the university.

The second point I want to raise has to do with the amendments on mandatory retirement, and it appears to me that there has been a logic to The Human Rights Act

in prohibiting mandatory retirement. I have always felt quite proudly that Manitoba is one, it is true, of the few provinces in the country, but it is one of the provinces in the country that does not have a system of mandatory retirement. There are more choices available in this province, as there are in Quebec. This certainly does not prevail in many other provinces, and that is true.

So if the government was really serious about addressing the issue of mandatory retirement then they ought to hit it head-on and deal with the human rights legislation. Dealing with it selectively in a piece of legislation that is targeting, to my best guess, somewhere around 50, maybe a few more than 50 individuals comprising something around slightly more than 4 percent of the faculty at one university, is a rather selective way of dealing with the problem.

We know from our own experience through early retirement incentive programs that these are taken up. We know from experience in other jurisdictions in other provinces that retirement incentive programs are also taken up. In fact, universities like Waterloo and Windsor, to name just but two, when they instituted, they have had problems in recent years because of the very large take-up of retirement incentive programs, the problems in fact of having to hire very rapidly to replace large numbers of faculty who chose retirement.

The University of Manitoba has retirement incentives for people who are below the age of 65. There is no incentive program for people above the age of 65. Incentive programs, I maintain, would most likely go a long way to seeing many people over 65 choosing to retire.

Now it is also true and a reasonable expectation that we need renewal at the university. I do not think that we should automatically assume that at the point somebody reaches the age of 65, they are no longer useful in their occupation. There are among these 50 individuals people who are making very strong contributions, people who are very strong educators and come with a considerable degree of experience. And by arbitrarily in this sense, cutting off retirement at the age of 65, we may in fact be doing some damage to programs.

This is the extent of my comments on Bill 48.

Mr. Chairperson: We will then proceed with the questioning on this one. Is that the will of the committee? [agreed]

Ms. McGifford: Thank you very much for your presentation. I understand that in your presentation you talked about the range of backgrounds, research interests and experience of faculty members. Am I correct in interpreting you to mean that this probably means that three senate appointments could not possibly be reflective of a university the size of the University of Manitoba with so many different faculties, programs, et cetera, so that if we had, for example, a historian, a person from the Faculty of Medicine, and somebody from architecture—these are merely examples of course—it would just be ludicrous as far as representation of a whole host of other faculties is concerned?

Mr. Tudiver: Yes. Of course, even six does not allow that kind of representation, but this is why the logic of a bicameral system. This is why there is a senate with very considerable representation of faculty and students, because certainly the main substance of discussion on academic matters takes place in senate.

The logic of having a reasonable number of faculty at the board of governors is that these are people who, of course, are also sitting on senate, so they are privy to the discussions in senate. They can bring those forward. There is a greater chance of diversity with six clearly than three. I think we are just narrowing the potential diversity. We are not assuring it, and I am not recommending that there should be assurance by dictating that the faculty representatives on senate come from certain disciplines. I think that has to come from election by senate.

Ms. McGifford: Thank you very much for your comment. I am trying to remember what my next question was; maybe I should let somebody else go, and it will come back to me.

Mrs. McIntosh: Thank you very much for your comments. I appreciate them and I found them interesting. Some I agree with and some I do not agree with. I just wanted to ask you, I am looking at the percentage make-up of other boards in Canada in terms of the percentage of faculty on board, and by moving to 13 percent faculty on board, I think we are more close

than to what the nation has. Do you have any comment on that? Right now, at 22 percent, you are in the very top percentile range for the number of faculty on board.

Mr. Tudiver: I do not have the data in front of me, so I cannot really speak to it. If we are, I think that would be a feather in our cap. I think that would show that we do have a board that in fact pays due and considerable and appropriate attention to faculty representation, but I am not familiar with the data that you have.

Mrs. McIntosh: Thank you. I appreciate it.

Ms. McGifford: A previous speaker said that this bill was very mystifying to him and he could not possibly account for the minister's desire to reduce the number of senate representatives on the board of governors, and I wonder if you want to take a run at that one.

Mr. Tudiver: I would be most happy to defer to the minister if she wishes to answer the question.

Mrs. McIntosh: I am sorry, will you repeat the question?

Ms. McGifford: My question was, why is there a desire to reduce the number of senate appointments, senate positions on the board of governors?

* (2100)

Mrs. McIntosh: It is not so much the desire to reduce the number of senate appointments as it is a desire to increase the number of students without increasing the overall board. We prefer a smaller board. You look at the boards across the country and see, for example, in Saskatchewan, 12, and British Columbia, 15. There are larger boards, of course. In Toronto there is a very large board of 50, but then the University of Toronto has 35,000 students versus our own 15,000, so it is a different set-up.

In looking at the make-up of boards, we are also replacing three of our own government appointees with three students, which I do not think is generally known or understood. Three government people will be guaranteed student spots now, chosen by UMSU. UMSU will have, or the students will have three and the government has pledged that of its spots, three will now be students.

Then we took a look at the fact that the 10 to 15 percent range; if you look, this will bring Manitoba to 13 percent faculty. We have one, two, three, four, five, six, seven, eight, nine other boards of governors in Canada that are 13 percent and a majority that are under that. Given that senate does have very powerful ability on campus in and of its own right to set all kinds of standards and formulate things for the university, as a senate there is a vehicle for senate over and above just being on the board of governors.

So it is not our intent to eliminate senators so much as it is to increase students. I am interested in the comments that are being made here on the issue, and I am listening. But that was our original intent, and we felt it was fair and not unlike what is happening in other places.

Mr. Tudiver: If I could add just one more comment on this matter. We have already heard from, at least this evening, a few parties including the president of the University of Manitoba arguing that in many respects five or six members really are quite necessary given the committee structure of the board of governors, and from my knowledge we have not from the university, at the level of senate or the board of governors, identified the numbers of faculty currently on the board of governors as a problem. In fact, it has been identified as a productive way of operating.

So this is a kind of difficulty. If it is working well and it is a reasonably productive way of operating and there is a desire to add more students, then it would seem reasonable. Sure, add more students but do not reduce a component that also is a really vital part of the board's operations.

Mr. Chairperson: Thank you very much for your presentation, professor.

Mr. Tudiver: Thank you.

Mr. Chairperson: Now the next bill, Bill 32. Mr. Tudiver is now speaking on Bill 32. You may proceed, sir.

Mr. Tudiver: I am going to try and summarize by speaking to some of the comments in the written brief that I have provided. I failed to say at the outset in the other that I am an associate professor at the University of

Manitoba in the Faculty of Social Work. I am afraid I am not privy to the discussion about amendments that are already being considered, so I am speaking to the bill as printed.

But from what I am already aware, Bill 32 is drawing serious criticisms from many parts of the post-secondary system, and many others have already made presentations to the effect that the bill is unacceptable in its present form, so I would recommend at the outset that the minister perhaps give serious consideration to withdrawing the bill and before proceeding with legislative changes that there ought to be a consultation perhaps in the form of a conference that convenes all parties to discuss existing problems of university government relations.

Now, that really is my first position and recommendation. In the event that the proposed legislative changes in Bill 32 are proceeded with, I do offer the following comments on the bill and some suggestions for amendment.

I want to comment on four aspects of the bill. First, it is the mandate of the council. The mandate of the Council on Post-Secondary Education is clearly very broad, and, as has already been pointed out by others, and some of my text further discusses it, it does impair, not just impinge on but impair the ability of the universities to conduct high quality teaching, independent research and supportive community service. In Section 3(1), the council has the mandate to plan the development of the post-secondary system. In Section 11, it has the power to determine priorities in the provision of post-secondary education. It also has the power in Section 11 to develop and implement accountability measures for each university and college for core functions of teaching, research and service, a rather deep and extensive intrusion into the operations of the universities.

Even if the council were a truly independent body, these powers would give it an inappropriate degree of control over the universities. Control by universities over planning, policies and accountability is essential for their effective operation. They have the expertise and knowledge to handle these tasks. They also have, I would emphasize, a system of governance that allows for widespread participation and considerable input by qualified academics in the decision-making process.

But the proposed council is not even an independent body. The decisions it makes are politically driven because its mandate falls under the direction of the Minister of Education. In carrying out its mandate, Section 4 makes the council accountable to the minister on any matter that the minister may choose. In Section 11, the minister also establishes a framework for determining priorities in the provision of post-secondary education.

I would recommend then, regarding the mandate, that Section 3(1) should limit the council's mandate to support the development of a post-secondary education system. In the matter of planning, it should provide advice to the universities and colleges in a manner that is similar to the role set out Section 15 of The UGC Act. Section 3(1) should then read as follows: The mandate of the council is to support the development of a post-secondary education system in the province that promotes excellence in education. In carrying out this mandate, the council shall give advice and assistance to the universities and colleges in the preparation and implementation of their plans to provide post-secondary educational resources so as to avoid waste or unnecessary duplication.

The second recommendation on mandate, that all references to frameworks established by the minister which appear in several parts of the bill should be removed.

A second point has to do with the arm's-length relationship between universities and government. The UGC Act sets up a clear arm's length relationship between government and universities. It restricts commission activities to fiscal arrangements of universities and prohibits interference with the right of a university to formulate academic policies and standards. This was done for good reason and is consistent with the approach of every other provincial government in Canada. The provinces maintain control of funding and have appropriately delegated planning, program and policy development and accountability for teaching and research standards to the universities.

Now, it has already been mentioned that certainly in the area of professional programs, universities are required to meet international standards for accreditation and certification. Any interference by government or even the

appearance of interference could jeopardize an accreditation.

I can speak knowledgeably about my own profession, which is social work, where our undergraduate bachelors' program and the master's in social work program are each accredited every five years by the Canadian Association of Schools of Social Work. The reviews they carry out are extensive. They usually include an onsite visit by a team of professionals from across the country who carry out careful examination of course and program content, but they also investigate governance. They seek assurance that the faculty has adequate resources, controls its academic policies and programs and is part of a university that has full control over planning, policies and academic accountability. With Bill 32 in place, our capacity to meet national standards could be jeopardized.

The most disturbing aspect of Bill 32 is that it removes the arm's length relationship between government and universities. This is most blatant in Section 4, where the council's mandate would operate within a framework of accountability established by the minister, and in Section 11, where the minister establishes a framework for determining priorities in the provision of post-secondary education.

Universities independence is further eroded because Section 3(2)(a) removes the right of a university to form academic policies. It is also subordinated to Section 14, which allows the council to interfere in all affairs of the university.

In the interests of—how am I doing on time, Mr. Chairperson?

Mr. Chairperson: You have 9 minutes and 30 seconds.

Mr. Tudiver: All right. Okay.

Mr. Chairperson: For questions, answers and presentation.

* (2110)

Mr. Tudiver: Okay. There are three recommendations that you have in front of you. I am essentially arguing that Section 3(2) be largely restored to incorporate the language of Section 3 of the UGC Act, and I will not

bother reading them out. They are in front of you. That has to do with Section 3.

In Section 4, the council should establish its own priorities, after consultation with the universities. Ministerial involvement should be eliminated, because it establishes a dangerous precedent of political involvement in university affairs.

In Section 11, priorities for the provision of post-secondary education should be generated by the universities, in consultation with the council. In developing priorities, it is appropriate that the universities receive advice from the council. This is the intent of Section 15 of the current UGC Act where the commission concentrates on provincial requirements for post-secondary education and then advises and assists the universities and colleges in preparing their plans.

A third has to do with membership. Bill 32 establishes an 11-member council appointed by cabinet. This is the same approach as under The UGC Act with the addition of two members. There is no requirement that any members of the council have expertise in post-secondary education, nor is there a requirement for representation from university administration, faculty or students. Given the specialized nature of universities, expertise and appropriate representation ought to be set out in the legislation.

And so, I am recommending for consideration by the committee a slightly larger council, so that the university sector can be adequately represented while still preserving a reasonable number of members appointed by the Lieutenant-Governor-in-Council. The council could be composed of four team members, seven elected from senates of Manitoba's universities and seven appointed by cabinet. The number of seats allocated to each university would have to be worked out proportional to their size or some formula.

Finally, I want to mention and very briefly here the issue of consultation. In an area as complex as post-secondary education, any initiatives by a co-ordinating body like the Council on Post-Secondary Education would surely require extensive consultation with the universities. Yet Bill 32 would allow the council to fulfill its mandate without ever consulting with parties in the universities. Now surely they would not do this but

they could under the legislation. There is only one requirement to consult and that is in Section 12(b), when the council may, in consultation with the universities and colleges develop policies for specialization and co-operation. Even if consultation were included in other parts of the mandate of the proposed council, it would not have much meaning since the council would still have final say in areas of planning and policy, that should be controlled by the universities.

So I am recommending here that requirements for consultation with the university administration, faculty and students should be included when a council exercises its mandate, so long as the mandate is limited to fiscal arrangements as spelled out in the recommendations on Section 3.

I thank you for your patience in me reading this out.

Mr. Chairperson: Thanks for your presentation. Right on time.

Mrs. McIntosh: Thank you very much. I found your brief very well researched and very interesting. Just a very quick comment in that some of the points you have mentioned, I think you will find, will be addressed in amendment; others will not be. But, just looking at the last page, for example, just to give you two examples, we will be putting in an amendment that will mandate the consultation, and, secondly, just to indicate why we will not be changing the makeup of the board. We will be looking for people well-versed and understanding of university and college affairs. I think, again, we wanted to keep it small and also when you are very familiar and intimate with a particular institution, it is very hard to avoid the tendency to want to micromanage or to be looking only at your own place instead of seeing the overall picture.

Just to give you an example of that—if I may be so bold—because I have noticed it said numerous times here, inadvertently without consciousness, people have suggested from the universities that the council should be made of 14 members, seven members elected from the senates of Manitoba's universities and seven appointed by the Lieutenant-Governor-in-Council, but nobody has mentioned colleges. The whole main purpose behind the act is to have universities and colleges start seeing each other as partners and collaborators in the delivery of post-

secondary education. I submit that so many presenters have said you should have an equal number of university reps and government appointees and have completely neglected in about five or six different instances to even remember that maybe colleges, if it was going to be representative, should be represented. I guess that is our concern about people still having trouble looking at the bigger picture. That is why we would like to stay with laypeople, but I assure you they will be people who have a passion for, a love for and an understanding of post-secondary education.

I will stop because I think others may wish to ask a question. Thank you for having taken the time to come out, and you have presented some good ideas that we will be moving on.

Ms. Friesen: Thank you for the presentation. One of the areas that the minister I do not think in any of her amendments is going to address, and that is the requirement for the council to establish its policies in the context of the economic framework or plans of the government. I wondered if you could give us some advice or some examples of what the practical implications of this would be.

Mr. Tudiver: Mr. Chairperson, I can certainly comment from the perspective of working in a professional faculty where we are required to meet a number of different standards, some formal and some less formal. The formal ones certainly derive from our accreditation where we have to meet national standards in that case. There are informal ones as well, certainly, because we do consult regularly with members of the profession. We have members of the profession who sit as an advisory body to our own faculty council. We have practising members of the profession who sit on our own faculty council.

So we are attempting to meet numerous standards that are professional in nature and that is our central driving force in a way. Our graduates, of course, we are serving the needs of the professions in this province; but, of course, we are also serving the professional needs and the professional labour market in other parts of Canada and in other parts of the world because our students come from other parts of the world. They go back, some of them, to other parts of the world. Some Manitoba graduates in fact leave and go to other places, so we are geared to a number of different standards and demands.

I am not sure what the meaning would be of requiring the universities to meet the Manitoba framework. It seems to me, the way the government has exercised that framework to date has been through the finances, and that has certainly left some parts of our work ever more difficult to accomplish. We are now serving more students with fewer faculty. We have the case where in the case of the financial pressures on the universities, to just give a couple of examples, the travel budget that is allocated to each faculty member is \$500 a year. Now, try to go to a conference in Ottawa on \$500 a year. You would probably get dropped off somewhere around Thunder Bay and that is where your \$500 would run out. So we are all necessarily finding funds in other ways to supplement the allocation or, in the case of certainly many of my colleagues and myself on occasion, we have to supplement it out of our own pocket, but we cannot manage with the travel allocation.

We are also probably one of the few—

Mr. Chairperson: Your time has now expired unless there is leave to complete this briefly. [agreed]

Mr. Tudiver: We are also one of the few workers, employees, I should say, who do not even have the full tools of their own trade. There was a lot of noise made, a lot of good comment made, of course, on universities being on the cutting edge of technology and teaching technology, and we do I think quite a good job in that. But you know, for most of us, we have to buy our own computers. When you come on to the University of Manitoba, nobody provides you with the basic tool of the job, which is a computer, yet to get your job done you have got to be tied into the internal networks, let alone the wider, the Internet globally.

You cannot really do your job anymore certainly without being part of the internal network within the university. We have to provide our own computers. They are not provided as even part of the job. This is the kind of cutting, what the cutting of finances has done. I am only touching on the tip of the iceberg, of course.

* (2120)

Mr. Chairperson: Thank you very much for your presentation.

Caterina Reitano. Are you presenting on both?

Ms. Caterina Reitano (Private Citizen): I am only presenting on Bill 32.

Mr. Chairperson: Just on Bill 32.

Ms. Reitano: Just before I go on, I just wanted to make a correction. MOFA has repeatedly presented its position on the composition of the council. It is not just seven from the universities but four from the universities and three from the colleges.

This evening I know many amendments have been discussed. I am just going to comment on Bill 32 as it is.

Over the past few days many have spoken on Bill 32. I would like to discuss certain parts of it that seem to me contradictory or very intrusive in the university's autonomy.

Mrs. McIntosh: Could you just adjust your mike a little bit?

Ms. Reitano: Better?

Mrs. McIntosh: Better. Thank you.

Ms. Reitano: Mandate of the council: Section 3(1) states that it is the council's mandate to plan and co-ordinate the development of a post-secondary system. If we take what is written in this section, one would assume that the council is an autonomous body but, if we look at Section 4, we see that it is subject to the direction of the minister.

Also, while the council is promoting excellence in education, supporting the co-ordination and integration and avoiding unnecessary duplication, it does not take into consideration the aspect of easy accessibility for students.

Let me go on to Limitation, Section 3(2). By the sheer nature that the council has the power to regulate programs, the council is interfering with the basic rights of the university to formulate its own academic standards. If we go back to Section 3(1), it is the council that is planning and co-ordinating the development of post-secondary education and not the university. Once again, one is faced with the potential for direct interference.

If we go to 14(2) of this bill, the university must obtain the approval of the council if it wishes to establish, expand or reduce. Under 16(1) of the UGC, it needed to do so only on expansion or extension of a program. The university is thus forced to meet the needs of reduction in a limited time. The council is thus imposing terms and conditions on reduction. Furthermore, what constitutes limited time? That has to be made very clear.

The section, direction from the minister. In Section 4 of this bill, the council shall operate, it states, within the framework of accountability established by the minister. I would like to mention two things. First, in the UGC this is not present, and, secondly, what kind of framework is to be established?

Also I would like to call into question the expertise of the council members. When under Section 11(c) they are advising in the planning for the development and delivery of academic programs, will they possess the knowledge in those specific areas? How will the council be able to assist, for example, in the development and delivery of the Spanish program at the university with no knowledge of Spanish or of literature? It is of paramount importance that they do possess this expertise.

Let us move on to Section 11(e). While I agree that accountability is needed, I am unsure of what will constitute consistent and effective criteria for measuring performance. Will the criteria be, for example, the number of books published? Will we go back to the publish or perish syndrome, the number of conferences attended, student evaluations? Will the emphasis be on both teaching and publishing, or will there be two different markers, one for teaching and one for publishing?

Lastly, I would like once again to go back to Section 11. I am troubled by the expression, educational needs of the province. Post-secondary education should not be focused solely on the needs of the province of Manitoba but the needs of the students to be equipped not only within Manitoba but also for the global market. If we do otherwise, we are shortchanging our students, and it is very important that we do take off the blinkers and look beyond Manitoba. Thank you.

Mr. Chairperson: Thanks, Ms. Reitano. Questions?

Ms. Friesen: Thank you for the presentation. I wondered if you could elaborate a bit for me on the issue of accountability.

One of the areas, again, that I do not believe that the minister is proposing to change in her amendments is the responsibility of this external council to develop accountability requirements for each university and college. There is a reference in the existing bill, in cooperation with universities and colleges, but it is still the primary responsibility of this external council.

I wondered if you would see it as perhaps more appropriate for the council if we were to have such a body, whether it was an arm's-length council or whether it was the more intrusive council such as is being proposed, but to be the council's responsibility to ensure that universities and colleges have accountability mechanisms in place. You are dealing with a wide range of institutions from a very broadly based institution in the North, to small universities, to multiuniversities, a wide range of subjects and topics each with their own kind of a professional accountability. I see some that have accredited, some that are not. I wondered if you would see that as a possible alternative, that the council's role is to ensure that the institutions themselves have those mechanisms in place.

Ms. Reitano: Yes, mechanisms must be in place, because we do want accountability and that is very important, but each institution is different and accountability is necessary. Open communication is key between both the university or the college or an institution and the government is key.

Ms. Friesen: Could you tell us what kind of accountability mechanisms are in place at the moment in the institutions you are familiar with?

Ms. Reitano: For instance, student evaluations, peer evaluations, someone that is on probation, for example, evaluation by the head of the departments and also the colleagues evaluations. Those are just some examples.

Ms. Friesen: That is the range of instruments. Could you give me a sense of how they are applied? Is it annually? Is it every five years? Is it a combination of the above and are they written? What happens to those

evaluations and how are they fed back to the individual or to the broader community?

Ms. Reitano: Let me speak, for example, on student evaluations. The student evaluations are given at the end of each course. For example, if it is a three-credit course, then in December; if it starts in September, it is a six-credit, then in April. The students do fill these out. They are anonymous. They go back to, for example, the arts office, and then they do go back to the instructor or to the professor, a printout sheet. So the professor or instructor looks, for example—just using myself as an example—when I get them back, I do look at them. I see, for example, what the students did agree upon and what they did not agree upon. I use that as my marker to change certain things or to better myself in a certain area, because it is the students' feedback, for instance, that is vital to me and that is the only way because they are in direct contact with me.

Mr. Chairperson: The last one for you, Ms. Friesen. Then Mrs. Render.

Ms. Friesen: Just a quick one. That is reference to your own department. Do you know if this common? Is it universal within your institution?

Ms. Reitano: The student evaluations? Yes. The student evaluations are carried every course. At the end of every course student evaluations are conducted. Yes.

Mrs. Render: Yes, you mentioned feedback to you so that you can do whatever you think is necessary if something needs to be done. How does this work as far as the student goes? Do the students get any feedback, as I understand there has been feedback for the students at University of Manitoba on evaluations?

Ms. Reitano: Yes, there were the UMSU evaluations, for instance, that took place last year and to my knowledge the students do have access to it. Everyone has access to it. They can go and photocopy, for example, the student evaluations for a particular instructor or for the department.

* (2130)

Mrs. Render: Is this for the University of Winnipeg also? I am asking, specifically, University of Winnipeg.

Ms. Reitano: The University of Winnipeg—I do not know. I am sorry.

Mrs. Render: It is mainly for your benefit and not necessarily for any use for the students at University of Winnipeg.

Ms. Reitano: I am at the University of Manitoba.

Mrs. Render: Oh, I am sorry.

Ms. McGifford: In your presentation, you talked about the need for students in Manitoba to be competitive globally, and I wanted to ask you how we would assure that our students are competitive in the global market and, secondly, how would the post-secondary council interfere or preclude competitiveness of Manitoba students?

Ms. Reitano: They would preclude competitiveness by only emphasizing on the province's needs. In order to meet the province's needs, you must first look at what the global market needs. That is the only way that the province's needs can be met. Sorry, can you repeat your first question again?

Ms. McGifford: It was basically related. How do we assure that our students are competitive in the global market?

Ms. Reitano: By offering a wide range of courses, different courses and not courses on rotation due to budget constraints. Offering courses on rotation limits the students' knowledge, for example, and so when they do go on, for example, to another program, if they choose to go on to another university they will be lacking in a particular area and so they must take other courses.

Ms. McGifford: Do you teach Spanish?

Ms. Reitano: Yes, I do.

Mr. Chairperson: Are you going to ask a question in Spanish, Ms. McGifford?

Ms. McGifford: Well, a few years ago I might have been able to. What I wanted to ask you is, if it is provincial needs that determine courses, is there a need in

Manitoba for Spanish, or do we study Spanish in Manitoba for other reasons and what might they be?

Ms. Reitano: Spanish is of paramount importance right now, not only in Manitoba but around the world. It is the third language spoken. In '99, we will have here the Pan American Games. Spanish is not only taught at the University of Manitoba, it is taught in continuing education with the Pan American Games Society, interest courses, for instance, NAFTA, Caricom.

Ms. McGifford: If I might, those are all very utilitarian reasons. Are there other reasons we might learn Spanish?

Mr. Chairperson: Spoken like a true English professor.

Ms. Reitano: Well, why study Spanish, is that your question? Why is it important to study Spanish?

Ms. McGifford: I am talking about the need for a broad liberal arts education which includes learning languages as ends in themselves because they make a contribution to the educated well-rounded mind and not merely for other utilitarian reasons.

Ms. Reitano: Well, for example, knowing only two, speaking only two languages, yes, one begins to become well rounded, but the more knowledge one possesses the more well rounded the person is.

Mr. Chairperson: Thanks very much for your presentation.

Ms. Reitano: Thank you.

Mr. Chairperson: I would now like to call on someone who was moved to the bottom of the list earlier and that is Jason Wiebe and Trevor Lines. It looks like Trevor Lines. You may begin your presentation, Mr. Lines.

Mr. Trevor Lines (University of Manitoba Students' Association): Thank you, committee members. I think I must add an apology at the same time. I was under the understanding that I would not be presenting tonight, so I wore jeans and a sweater. I guess I should be happy that I did not come in my Halloween costume.

Over the past year, the executive of the University of Manitoba Students' Union has embarked on a process to

find out what students believe to be the central difficulties with the education they receive at the University of Manitoba. After extensive consultation with the students, a document entitled Path to Excellence was produced in June of this year. The document proposed 37 recommendations on how the delivery of post-secondary education could be improved. The five areas of concern are broadly categorized as: institutional priorities, professorial accountability, governance, teaching differently and, finally, consumer orientation.

I mention these now to illustrate the comprehensive nature of the document and the student vision it sets out for the future of post-secondary education in Manitoba. Let me make clear that the University of Manitoba Students' Union is in full support of the bill as it addresses the issue of student representation, one that has been an issue with us for years.

As student union president representing the 22,000 students, this bill will affect, I would like to outline our reasons for supporting the bill. To begin, I will refer to the Path to Excellence recommendation 4(d) which addresses this issue. It states: The province should state that the student membership of the University of Manitoba Board of Governors be directly proportional with the cost of post-secondary education covered by student fees. Students feel that as the costs of education continue to increase, they have a right to greater say as to how the university runs. This feeling spans across all decision-making bodies at the institution and in this case the board of governors as the supreme governing body of the institution.

Students see an increase in board seats as an opportunity to effect change at the university. As consumers of education, there are many issues that will need to be brought to the table. With greater student input, these issues will receive the attention they deserve. For example, students have concern as to the amount of institutionally sponsored scholarships and bursaries that are available. Looking over the past years, this has not been a priority item at the university. With more students at the board table, there will be a greater opportunity to make this a priority item and better input as to how these monies are appropriated. In short, students are very aware of the strengths and weaknesses of the system and have the knowledge to be proactive with the issues as our system continues to change.

The second principal reason why the students support this bill is because Bill 48 will provide for a guarantee of student membership. As you will already be aware, students currently hold three of the 23 seats on the board. These seats are designated to students through convention, i.e., one seat from the university senate and two seats from the provincial government. Students are concerned about the vulnerability of these seats as there is no mention of student membership in The University of Manitoba Act. If Bill 48 were to be successfully passed, students would have six guaranteed voices on the board of governors. We feel that a move to give students six seats or 26 percent of the board of governors is fair given that students pay approximately 22 percent into the general operating budget of the university. Moreover, it satisfies the recommendation as outlined in the Path to Excellence.

Students take issues of post-secondary education very seriously. They are committed to working with the various stakeholders in education to find solutions to the problems the institution faces. UMSU believes that the best way to promote change is to find constructive solutions to problems rather than to simply complain. With greater representation on the board of governors, students will have this opportunity.

As one can see from the Path to Excellence, students have devoted much time and energy into the future of post-secondary education. We feel that, given the opportunity to assist in the development of the system, education at the University of Manitoba will be even stronger. Thank you.

Mr. Chairperson: Thank you, Mr. Lines.

Hon. Vic Toews (Minister of Labour): Thank you very much for your presentation. It is concise, it is to the point, and certainly is a credit to the educational institutions that have educated you so far. It is really nice to see that conciseness. It is helpful to us in making our determinations. Thank you very much.

* (2140)

Ms. Mihychuk: Thank you for your presentation. On the second page it states here that UMSU believes the best way to promote change is to find constructive solutions to problems. The faculty organization has

indicated, as well as the president of the university, that they have a problem with the representation of the senate being reduced from six to three. What is UMSU's constructive solution to this problem?

Mr. Lines: Since this bill was introduced that question has been asked numerous times, and my council and executive has instructed me not to respond, because we do not want to get into the numbers game. Our issue is simply that students deserve and have the right to better representation on the board of governors.

Ms. Mihychuk: Then clearly I would take issue with your statement in your presentation that is suggesting that you are prepared, in fact, to find constructive solutions.

Mr. Lines: By all means we are, but in this case we will leave that decision making to the government and the other affected bodies.

Ms. Mihychuk: The students union has also decided not to make any comment on the second part of the bill which deals with mandatory retirement.

Mr. Lines: That is correct.

An Honourable Member: I like that precise answer, "That is correct." He did not make a comment on it. Ask him a question in Spanish.

Ms. Mihychuk: Or in Ukrainian, but I will just make it English because I have enough problems with one language.

Can you tell me if there was discussion about that section of the bill, and if UMSU had considered the fact that there too lies a problem, dichotomy between the wishes of the faculty and the administration of the university?

Mr. Lines: The students union has taken the issue of mandatory retirement to its policy committee and has been actively trying to get something, a formal policy, established and passed through UMSU council. Again, it has not been completed yet, so at this point we cannot comment on that.

Ms. Mihychuk: The philosophy or the statement of principle that UMSU believes that students have the right

to more say the more they pay, I am going to question somewhat. A person's ability to pay is sometimes not related to their own personal wealth. It could be the family wealth, and is that the way to ensure what we have been all talking about, a very broad liberal arts education? Are we moving towards more consumerism or are we going to ensure that type of broad representation is there no matter how much you pay?

Mr. Lines: Okay, I will start by saying it is not a matter of how much you pay. The point is that students are paying for education. Now, student representation on various decision making bodies has been an issue with the University of Manitoba Students' Union for years. In this case, you know, and it goes from tenure and promotion committees to a variety of different committees, the problem is that students feel as though they have been given token representation on the various committees, that they have not had the chance to make, you know, effect change the way that they think they deserve. Bill 48 will address the issue of student representation and our problems with it at the board of governors. We feel that we do pay 22 percent of moneys into the general operating budget and, therefore, we should have a right, and we have a right, and we should have a say as to how those moneys are spent.

Mrs. McIntosh: Mr. Lines, I am just going to pick up on two things that the opposition has asked you here for clarification because there is a very interesting different tone in the questioning with someone supporting the bill here.

You have chosen not to make comment on decisions that are outside your own jurisdictional authority to make. For example, the make-up of the board is not your decision to make or the decision of the boards to make, so you have chosen, in conjunction with your colleagues, not to comment on whether or not that decision made by somebody else is good or bad because you have no input into that decision making. Is that the rationale that I understand?

Mr. Lines: That is exactly why. I mean, we do not want to get ourselves in a game with the various stakeholders on campus.

Mrs. McIntosh: I thank you for that, and I had understood that to be the rationale from others in your

organization. The other thing that I am very interested in, and I think will stand you in good stead as you go through your time on the board to see that you truly do represent students and not just your own self-interests, and I would like your comment on this. I am understanding by your response to the question that you will not comment at this point on the retirement issue because UMSA is still formulating its position on it through consultation with students and researching the issue so that your position is in fact a learned one representing your members.

Am I to understand that from what you said, you will not comment on that until you do have a proper position that is representative of your constituency? Is that correct?

Mr. Lines: I believe so, yes, I do. I mean I make a policy of not speaking unless I have direction from council. This issue is not brought up in the Path to Excellence which is the central policy document that I have to work with. Like I say, we have been formulating, we have been going through the issue. Unfortunately, during the summer it is very difficult to do that, and with school, it is also another difficult thing to do. Like I say, as soon as we have come up with something, as soon as the students have spoken by virtue of a motion through UMSA council, then I will be prepared to speak. Unfortunately, it is not tonight.

Mrs. McIntosh: Thank you very much.

Mr. Toews: Just a short question arising out of some of the questioning from Ms. Mihychuk. I would indicate that, given that you represent 22,000 students, students who are directly affected by the education that they will be receiving over the next four years, and that future will affect, or decisions that are made in respect of your education will affect you for the rest of your lives in terms of where you are going to go, in terms of what opportunities are available to you, it strikes me that your request for only six seats out of 23 seats is very, very modest, given it is your future that is at stake and also the very substantive portion of the funds that you as a group, not as individuals but as a group, make has had your—

An Honourable Member: They are only paying 22 percent and they want 26 percent of the seats.

Mr. Chairperson: Order, please. Complete your question.

Mr. Toews: Well, the member says, they only pay 22 percent. Other than government, I do not see anybody else paying any money, and I am wondering why anyone else should have a voice on this institution, given that students as private individuals are making the largest contribution here.

I am wondering why you simply chose to take such a cautious position and simply said only six of 23 when, in fact, as private individuals, you are making the greatest financial contribution to this institution.

Mr. Lines: I think we had to be reasonable with our request. Six members seemed quite reasonable, considering—

Mr. Toews: I am sorry.

Mr. Chairperson: I am sorry, Mr. Toews. you were too busy yattering away. His answer has been made. Thank you, Mr. Lines.

Mr. Lines: Well, I did not really finish my answer.

Mr. Chairperson: You can complete your answer.

Mr. Lines: Six members seemed quite reasonable to us, and we do recognize that there is a need to have government people in and senators and so on, on the boards. So six is adequate and very good.

* (2150)

Ms. Mihychuk: Clearly, I want to state that student representation is not my issue. I believe that there needs to be enhanced student representation, but the amount of money that students pay, to me, is not the factor. In fact, there are some faculties where you would pay a significant amount of money and it is going up rapidly. We would not expect those students to have a larger voice on UMSU than another person who is in the Faculty of Arts.

So I just wanted clarification. Clearly, we are in support of increased student representation; however, we are very concerned and opposed to the loss of faculty

representation with this model. So I wanted clarification in terms of your presentation.

Mr. Lines: If I could have clarification as far as my answers are concerned—

Mr. Chairperson: You are going to have to be quick, Mr. Lines.

Mr. Lines: It will be. Students are paying money for education. They expect quality education. As tuition costs increase, I think they think they deserve a greater say as to how those monies are spent.

Mr. Chairperson: Thank you very much, Mr. Lines.

I would like to call on Elizabeth Carlyle. Elizabeth Carlyle. Elizabeth Carlyle, that is her second call. That is the second call for Elizabeth Carlyle. David Gratzner. Is David Gratzner here? That is the second call for Mr. Gratzner. Jesse Vorst. Jesse Vorst. Jesse Vorst. That is the second call for Jesse Vorst.

I will now call again Elizabeth Carlyle. Elizabeth Carlyle, not responding; she is dropped from the list. David Gratzner. David Gratzner, not responding; he is dropped from the list. Jesse Vorst. Jesse Vorst is not responding; he is dropped from the list.

That then completes presentations on Bill 48. Is it agreed that presentations are completed with respect to Bill 48? [agreed]

Mr. Chairperson: Bill 32. I now call on Neil Besner. So that was the second call for Neil Besner. He goes to the bottom of the list. Murray Evans. Mr. Evans, I have seen patiently here all evening, so welcome, Mr. Evans.

Mr. Murray Evans (Private Citizen): And some previous evenings.

Mr. Chairperson: You may begin your presentation, sir.

Mr. Evans: Chair, committee members, thank you for the opportunity of speaking tonight. If you hear a croak in my voice, I was out with my children on Halloween and it is very cold out there. You can take comfort that

your being here all that time listening attentively is warmer than what it was like.

As I look at my children, who are four and seven, and their passion for learning, I think of one of the reasons I am a professor at the University of Winnipeg and that was because of my father's passion for education and his belief that each person should have an opportunity to use their God-given talents to the best of their abilities, and to be educated to do so.

My father, although he was a research chemist, ended up with an avocation of being an educator. He was a school board trustee for 40 years. He was chair of the board of governors of Ontario Institute for Studies in Education and, as such, was on a first-name basis with ministers of Education and Premiers of Ontario at the time. The board of education that he served on broke a longstanding rule and named a school after him before his death, and before he died he lived to see that school named after him.

With a start like that and with that kind of ethos in my family, it is not surprising that I, along with my three brothers, are or have been involved in education. I am a full professor at the University of Winnipeg. I have taught at UBC; I have taught at University of Manitoba; I have taught at University of Victoria. I have been a visiting fellow at Robinson College, Cambridge University in England, and I am a member of that college. My publications are read internationally and cited in Japan, in France, in England. My book that came out last summer is presently shortlisted for a Canadian prize for the best book written in the humanities in English in Canada, and I am waiting daily to hear who wins the prize of the six shortlisted books.

At the University of Winnipeg I serve on a great number of committees, one of which was setting up the writing program at the University of Winnipeg, which justly has a national and even international reputation. I was an acting dean for a year in the late '80s, in the dean's office, so I have served on the administrative side, and I am presently a senator.

What I am getting around to saying is that I and many colleagues like me know how to do our jobs. I think those are the people that you want to be making decisions about curriculum, that you want to be making decisions

about student appeals, about larger directions for university in an international context.

Many of you had jobs before you were elected to office, and short of retirement, may well return to them. How would you like it if I set up a committee to investigate proposed performance indicators for you on your farm? How would you like it if I came into your law office and I suggested ways of avoiding duplication of services or how you were to manage your small business?

I, in the words of the minister, am someone who—I am a passionate layperson who loves a good car to run. I like my car to run. I have very good dashboard knowledge. If you ask me to open the hood, I could reduce the duplication of wires attached to your engine. I could set up your gas intake according to provincial standards of the present government or whatever, but it would be a mess. If you are such a lawyer, such a farmer, such a mechanic, such a car owner, you would say to me, politely I hope, please leave this to us who know about it; please mind your own business; please do not make a mess in areas that we know better about.

I think it goes beyond professional intrusion because universities are, after all, partly publicly funded bodies. Briefly, the universities, as we know, are one of the institutions that guarantee a free society. If you do not have an autonomous university, you do not have to that degree a free society. I am not against changes in university and, frankly, I am tired of reading in the press and hearing from people that universities do not change. If one walked down the halls in 1986 at the University of Winnipeg, you would have found one computer lab. For people who take the trouble to walk down the halls at the University of Winnipeg, there are at least ten now. All it takes is walking through, opening your eyes and looking at what is there. Some of you may well have done that.

I am tired of hearing that universities do not change from people who have not visited or who have not gone there, who have not seen the kind of curriculum proposals and changes that have been made at the last senate meeting, for example. There were some 250 changes in courses, updating them for their fields, and so on. I am not against change; however, I do have objections to clauses in this document which in effect give the minister through COPE the power to direct post-secondary

education. I agree with the amendments suggested, or to be suggested, by Ed Byard on behalf of the University of Winnipeg Senate. I am not going to take time to go into the fine print because that has already been done.

As we know, universities are self-governing bodies, at least they are until this bill might pass. Senates oversee the academic business of universities. Boards of governors oversee the financial business. Faculty associations negotiate with administrations to assure that the rights and responsibilities of employees and other unions are preserved. Student associations properly look after student matters. Responsible government, as politicians call it, as we know, is hardly 200 years old in Canada and responsible government with universal suffrage is hardly 100 years old, yet universities have been around for hundreds and hundreds of years. Universities have developed in a way to set up checks and balances to set them apart from the governing party of the day in order that their function can continue.

So, as with churches and synagogues, you need independent universities where people have the freedom to investigate, to analyze, to compute, wherever that leads. Who can predict what will turn out to be relevant?

* (2200)

Of course, universities will do research and teach courses which will be relevant to local economic and social needs. Recently, in an article in the Free Press, a colleague, Jim Clark, spoke to the Internet which began as a research university network and is certainly of larger social economic relevance, but to exclusively—and here I am thinking of some of the language of the Roblin report, and I am also thinking of language in the bill about matters of significant public interest that the minister through the council might direct universities to focus on—the universities to such local and political interests is to cease to make them universities. They may be government think-tanks, but they are not universities.

If these changes of the destruction or diminishing of university autonomy come into effect, the word will get out. Have no two thoughts about it. The word will get out. If you thought that the Internet exchanges in connection with the U of M strike were serious, if the word gets out that this is a university system in this province that is controlled by governments, then that will

get out internationally and our students' degrees will be devalued, and they will start saying, oh, it is a Manitoba degree. Uh, yeah, we know it has been interfered with in this way and this way. We read in the international press, therefore, you know, do not hire them. Let them work in their own province. We need, in a global economy, global attention. We need subjects that are not necessarily tied to the government agenda, whatever government agenda of the day.

I would like to finish with a story. In 1969, a Mennonite young man took a degree at the University of Winnipeg—it happened to be; it might have been somewhere else. It was a degree in economics and in psychology. For personal reasons he decided not to pursue a profession in those fields. For his degree he would have had to have had a broad education exposing him to a number of things. He went on instead to start, very hesitantly and with hardly any money, a career in music, and this person went on not only to get his own television show but was recently recognized at the University of Winnipeg as the first outstanding alumnist and as a doctor of laws. I think you know who I am talking about. I am talking about Fred Penner, and I wonder, does Fred Penner make a contribution to the economic and social life of the province? Yes, yes he does. What a day, what a day/Full of surprises. The sheer mental health of Fred Penner's songs is saving us tax dollars.

Would it have turned out the same way if Fred Penner had, under the language allowed in this act, been made to do courses in, I do not know, privatization of public corporations or saving the Jets? I do not think so.

Mr. Chairperson: Thank you for your presentation. Questions?

Mrs. McIntosh: Thank you, and I guess you are assuming what would be seen to be in the significant public interest. We had a question before about whether Spanish was a significant public interest, and of course absolutely it is with NAFTA and with the Pan Am Games and with the emphasis on languages of communication in the world, but that would be a course, a program of study, and of course the minister is forbidden by law to interfere with that under the new and the old act.

I wonder how familiar you are with The Universities Grants Commission Act, and if you are aware of what we took out, and if you are aware that there are many observers who feel we have significantly watered down The Universities Grants Commission Act and produced a council that does not have as many powers as currently exist under The Universities Grants Commission Act. I wonder if you could tell me if you are aware of this clause, 16(3)—I will read it to you—which has been removed because it was—well, I will read it to you and you can maybe figure out for yourself why it was removed.

This is the Universities Grants Commission: may require, The Universities Grants Commission, appointed by the minister, qualified laypeople of the minister's choosing, appointed by government. It may require, by written order, a university or college to cease to provide or offer, or to withdraw, any service, facility, or program of studies involving monies at the disposal of the commission which, in the opinion of the commission, is adequately offered or provided by another university or college or for which, in the opinion of the commission, there is no substantial justification; and the university or college, as the case may be, shall comply with the commission's requirement."

In your opinion, is that stronger or weaker than the clause which now says—where is it? I have it. Well, you know the clause because I think you were quoting it in your bill that indicates that they have to have prior written approval, which is also of course at the Universities Grants Commission, as well.

Mr. Evans: Thank you for your question. I know you are operating at a disadvantage because you just heard the last three minutes of my presentation, so I might repeat for your benefit—of course, you can read it in Hansard—that I support the amendments proposed by a representative from the senate, and I am not addressing the fine print. That work has been done. I do not want to waste the committee's time. An answer to your question would be included by implication or even more explicitly in that presentation.

What I am saying to you all is something that I am sure many of you believe; that if you want to have a kind of direct interference and direction which is unprecedented in the free world, that is why I say word will get out.

There is no bill like this anywhere else in the free world. May I finish, please? If you do that, then you will not have a university. You can call it that but it will not be a university.

Mrs. McIntosh: This is not an amendment made by the people. This is the original wording and the original draft of the old and the new, and there is precedent for this council in Nova Scotia, albeit not for colleges and universities together, but there is this exact same kind of council for colleges in Nova Scotia, and they are planning to move to this model as well.

Mr. Chairperson: Down to 30 seconds, Professor Evans.

Mr. Evans: That may be the case. As I say, background from the UGC bill is beside the point of what I wish to be making. What I wish to say is, if you change it in these directions, you will not have it any more. Remember me opening the hood of your car, getting rid of those extra wires, putting it together, giving you back the keys with a smile—a passionate, interested layperson—and saying, try it out, and your car will not work.

Mr. Chairperson: Thank you very much, Professor Evans.

John Braun. John Braun. John Braun, not being here, will go to the end of the list. Karen Zoppa. Karen Zoppa. Karen Zoppa, not being here, will go to the end of the list. Rolland Gaudet.

Mr. Earle Ferguson (for Rolland Gaudet): Mr. Chairman, Rolland Gaudet had to leave so he asked me if I could read his presentation into the record.

Mr. Chairperson: Leave to do so? [agreed] Your name, sir?

Mr. Ferguson: Earle Ferguson.

First, let me commend you for your thick skin. Vitriolic might well qualify some previous interventions. I will try to keep the acid level down, knowing and properly understanding my colleague's career commitment to Manitoba's youth and their future.

I am an academic at Collège universitaire de St. Boniface, appearing here as a private citizen. My presentation to the Roblin commission was also as a private citizen. In that case, some colleagues did not appreciate my independent behaviour, while in this case maybe they do. In any case, I do not give a hoot. I represent no organization at these hearings. I am not a member of any political party, nor have I ever been. This is my thirtieth year at the university teaching. My management experience overshadows my union experience. I am now teaching the generation of great grandchildren of my first university student. In a few years I expect to see the first of her great great grandchildren.

I hold bachelor's, master's, and doctoral degrees from the universities of Manitoba, Saskatchewan and Alberta respectively. I am an ASA. My son, University Gold Medal, from the University of Manitoba, is now doing graduate studies at the University of Toronto.

I am part of the brain drain. I grew up in Saskatchewan and did my elementary and high school there. I came to Manitoba originally because the university program I wanted was not offered in Saskatchewan. As with many others, once you have left, you often never go back for good.

Will my son be part of the brain drain? Will Manitoba be able to lure him back? I sincerely hope so. We will be collectively much, much poorer if deprived of our most creative minds.

Question: Are we ready to guarantee our fellow Manitobans younger than ourselves the right to register here in programs of the same quality as elsewhere or better, of their own choice and not of their second, third, or fourth choice?

* (2210)

I am sure others have identified most of Bill 32's faults and few of its qualities. Let us concentrate on a couple of each.

Bill 32 has a preamble. It sets out the roles of universities and colleges in our society and their duties to society. This is good, a marked improvement over UGC.

It would be better if it gave more attention to the issues of access and choice. Our institutions cannot truly serve their students properly and society as a whole, if these customers can buy a car in any colour they want, only as long as they want it in black.

Why would we threaten the economic well-being of this province by limiting artificially, manu militare, the options of a citizenry to better itself? As a mathematician I do not know that Bill 32 would limit artificially the choices our children have, but I do know hundreds of people who are convinced that this would be the case.

Bill 32 must be changed to clearly and courageously affirm the rights of Manitobans, choice, quality and opportunity.

Manitoba needs a clear, ongoing commitment to PSE, post-secondary education. This should be done in two ways. First, we need to strengthen the reference to accessibility, e.g., use "becomes more accessible and effective" instead of "is accessible and effective"; our aim is to improve our universities and colleges, not see them fall behind by trying to stand still. Second, each institution needs to offer a full range of programs as compatible with its mission. I have no quarrel in this context with giving a revised UGC a much more proactive role in the definition of these mission statements.

In the same vein, the unfortunate UGC wording "unnecessary duplication" has been inherited by Bill 32. "Unjustified duplication" fits so much better. In fact no duplication is ever really necessary; we could even, *à la limite*, send all our university students to Ontario. But spending on PSE in Manitoba is justified, and much program duplication, or apparent program duplication, is justifiable, often essentially cost-neutral, and always in line with my personal conservative philosophy that competition is healthy.

Bill 32 goes a long way towards a better integrated post-secondary system. It is time universities and community colleges are treated and dealt with in an integrated way. It is time our institutions, at the two levels, get the message that they must collaborate, yet compete at the same time. Are these objectives compatible? How?

Bill 32 is full of key words like "established by the Minister" instead of previous UGC wording of the type "submit to the Minister." Such a change is profound and in my view extremely dangerous. It is a top-down approach, centralized and, ultimately, bureaucratic.

Bill 32 puts the cart before the horse; who cares whether a large number of little people, students, vote with their feet and choose such and such a program, or wish to choose such and such a program, but are denied. Damn the torpedoes and full speed ahead, "we" know what is good for everybody and we know it before anyone else. And besides that, we cannot afford the choices our children want and need. How come our parents were able to afford it for us?

Which of us foresaw computers, the Internet, CDS, FIFs? What is an FIF? I am an actuary, but I do not dare make forecasts. I do trust the collective good sense of thousands of students, one at a time, and the people in constant contact with these customers.

Decision making as concerns post-secondary education is at its best when widely shared, when we include and starts with a large number of totally disparate people, a bottom-up approach. This is the opposite of what this bill would lead to. Government needs to keep an eye on things. Of course, it has responsibilities. But the obvious need for the minister to know exactly where our money is going and what it is used for is indeed compatible with a bottom-up decision process. This is not related to the issue of deciding exactly where our money is going and what it will be used for. It is related to the issue of being able to act, when and where funds are used, in an inappropriate or inefficient manner or in a manner not consistent with an institution's approved mission.

The minister needs to assume a role of watchdog, not boss of bosses, education Doberman or education czar. If everything is to be done as established by the minister, one is led to wonder where the minister will seek objective and independent counsel, since the council must act as established by the minister.

Bill 32 gives us a centralized top-down decision process. Big Brother, some say. Centralized decision making is neither necessary nor useful in general and in this case. I do not know any way to alleviate the fears,

deeply felt because deeply justified, that the academic community has of any top-down system. How can a minister make a bottom-up system work? Start by—we can go through that if you wish.

Finally, if there were a minister who could be induced to stay around long enough to reap the benefits and suffer the consequences of decisions made and witness and acknowledge the previous minister's, not minister's, successes and mistakes, it would tend to maybe not be as bad. In this sense it might be useful to compare the typical university president's career before, during, and after, with the typical minister's before, during and after, and the hiring processes and criteria employed.

I get a profound sense of upcoming discontinuity and instability here. This is the very worst thing that can happen in an industry where the average worker needs in excess of 10 years post-secondary education training. Prudence is essential. In this sense university professors are, by and large, very prudent people, maybe even conservative, because they know how long it takes to recover if they make a mistake—a whole generation.

Let us be prudent in how we decide to revamp our post-secondary institutions, it is not like a paint job.

Postscript: The translation of Bill 32 is not entirely up to snuff.

Thank you.

Mr. Chairperson: Are you going to put a question through Mr. Ferguson for the author of a—

Mr. Mike Radcliffe (River Heights): I certainly am.

Mr. Chairperson: Okay. What is an FIF?

Mr. Ferguson: I do not now what an FIF is either.

Mr. Radcliffe: That was my question, and I have my answer. Thank you.

Mrs. McIntosh: Thank you very much. Would you please pass on to Rolland Gaudet my appreciation for a very well written and very entertaining presentation. He knows how to make his point with humour, and it was

easy to listen to. Could you pass on two messages to him?

Mr. Ferguson: I certainly will.

Mrs. McIntosh: Indicate that he asks—these objectives are compatible, at the bottom of his first page, about collaborating and competing at the same time. Just tell him to remember the commercial ad “it is worth the trip to Steinbach,” because there is an example of working together and yet being in competition. Also, would you tell him that we will be putting in an amendment on accessibility as he had mentioned in the third paragraph at the bottom of his first page.

Mr. Chairperson: Thank you. Next, this is the last call for David Gratzler with respect to Bill 32. He is off the list. Candice Stearns. The second call for Candice Stearns. She goes to the bottom of the list. Last call for Pauline Mireault. She goes off the list. Last call for Bruce Daniels. A survivor.

Mr. Bruce Daniels (Private Citizen): Pardon me? [interjection] No, I do not, no. Thank you.

Mr. Chairperson: You may begin your presentation, Mr. Daniels.

Mr. Daniels: Thank you very much. As have a few colleagues, I apologize for my demeanor. I was going to a costume party tonight. I came in dressed as a Red Army officer, and it was no comment on anything really. It was just a nice uniform I have. And I have a daughter and a girlfriend who are very angry at me, but I take these proceedings seriously enough that I am willing to endure that anger and give up one of my favourite holidays.

I am indeed grateful for the opportunity. It is a nice opportunity for a citizen, a private citizen to be able to address the government and the opposition and the people who direct his or her fortunes in the world.

I am a private citizen, but I will fool no one. I am a professor of history at the University of Winnipeg and I am here after having much discussion with my colleagues, student colleagues, faculty colleagues and administrators and other people who hang around universities. I would like to further identify myself because I think if I can for one minute it will help provide

a better context for my analysis and my perspective on Bill 32.

I was born in the United States, moved to Winnipeg in 1970, where I have been a professor ever since. I have a B.A. in American Studies from Syracuse University, a diploma in agriculture from Oregon State University, and an M.A. and Ph.D. in history from University of Connecticut. I have taught at the University of Connecticut, at Wilfrid Laurier University, at Bowling Green University, all in different departments, at Duke University, and I have been involved in research projects or other educational projects in over 50 campuses. So my entire adult life actually and much of my non-adult life has been spent in universities, and I have I think first-hand experience with universities in Asia, Europe and all sections of the United States and Canada.

* (2220)

Now, this may make me very well qualified to speak on Bill 32—I know universities—or of course it may make me very poorly qualified to speak on Bill 32. I may be too close to universities to be detached, but I am speaking from the perspective of a person who has known and worked in and loved universities and functioned within them and value them such that I define myself as a professor. I am a father, I am a citizen, I am many things, but I always think of myself as a professor and as an educator, and I speak both as an interested, concerned member of the faculty, as an interested, concerned Manitoban and as a parent and as a person who simply values what I do.

One of my colleagues, by the way, Bob Young, got a wonderful award like the best human being in the world, you know, the Professor of the Year in Canada, and I was asked by someone why he got that award and I was asked by someone if everyone at the university agreed he should get it. I said everyone in our university thinks probably he is the second best professor on the campus, and I do believe that. I think Bob Young got the award, though, because he truly believes in what he does, and everything he does about that, he evinces that belief, whether talking to students, whether writing, whether speaking in public.

Okay. Let me do one thing first then, tell you my understanding of Bill 32, of the intentions of the government, and I certainly want to be fair here. It is my

understanding that the government would like to provide a new institutional relationship between the government and universities and higher education in order to more effectively, more efficiently and more rationally deliver post-secondary education to the people of Manitoba and to others who come here for an education. I think the government in this bill is trying to create a structure that will allow for more planning, more integration of programs and less unnecessary costly duplication of services.

My belief in the government bill here is that your primary goal is to produce the best possible higher education reasonable in a world of shrinking resources and competing needs from other parts of society. Therefore, I think, Bill 32 is designed to give the government a greater capacity to work with universities in a partnership, in an honest, open partnership that will help them join with you, universities join with you, the government, in putting aside self-serving interests in order to serve the good of the whole community.

I applaud then the goal of Bill 32. I believe full well that the intentions are not only honourable, that the intentions are reasonable, yet I would like to caution the government not to implement the bill as it now stands but to support the amendments forwarded by our senate to limit the government's control, to limit the government's changes in terms of how it will affect our autonomy, our functioning on a day-to-day, year-to-year, decade-to-decade basis. To do this, let me make the following three fairly brief points that I think will indicate why I think this legislation could be unwise.

The first point, universities are part of an international community, more so than almost any other institution in our society. The standards of historians, physicists, psychologists or philosophers at the University of Winnipeg are similar to and readily understood by their counterparts in Victoria, New York, Liverpool, Zurich, Tokyo, even in Beijing, a country not known for openness. Our students move back and forth across provincial borders. Our students move back and forth across national borders with ease because we are part of this international community.

We, the faculty, are every day in scholarly communication with physicists and philosophers around the world. We read their papers. We read their

materials. We read their books. We duplicate their experiments. We benefit from that. They do the same. They read ours. They duplicate our experiences, our experiments. They benefit from us.

We often do research at the University of Winnipeg, Manitoba, any university. We often do research in teaching that has no direct benefit to Manitoba. We often do research in teaching that has no apparent direct relationship to Manitoba or even to Canada, but that is part of the price of being part of this international community. That is paying our dues to the world of knowledge. That is paying our dues to the system of knowledge, of knowledge creation and knowledge transmission. We get the benefit of all the work done in universities around the world, and they get the benefit of the work we do.

My fear here is that any government, no matter how well intentioned, will not be sensitive to this crucial area of university life. Everyone, of course, in the abstract will be in favour of research. Everyone will be in favour of the arts. Everyone will be in favour of pure science, but my fear is that when tough, tough choices have to be made, these items will get a much lower priority from governments than they deserve and that universities would assign them. Governments have to face crushing problems. Governments have to face things and deal with crushing problems often that do not seem directly relevant to the Manitoba population. If we have things, if we propose things, that do not seem relevant to Manitoba, the government is more inclined to say, why are these things being done?

To be frank, I felt that the Roblin report dreadfully, dreadfully overemphasized the need for Manitobans, for universities here, to pursue research and teaching focused on Manitoba. Great physicists, great chemists, great philosophers will not let themselves be limited by such constraints. If we allow pressures to make us narrow our gaze to Manitoba, if we allow pressures to make us narrow our gaze to immediate nearby problems, we will: one, not attract or keep the best faculty; two, not be able to attract research grants or pursue research opportunities; three, not be able to keep our best students here or offer a quality education to students elsewhere who would want to come here, and four, we will lose our international standing. If we cannot pursue knowledge in an international climate, we will not be able to teach

university level curriculum courses, and we will not have the international standing that will allow our students and faculty to move back and forth across these provincial or national borders. We will become substandard. Okay.

Let me make a second large point about universities.

Mr. Chairperson: I just warn you that you have a minute left in your presentation.

Mr. Daniels: A minute left?

An Honourable Member: Leave.

Mr. Daniels: Pardon me. I am in big trouble here.

Some Honourable Members: Leave.

Mr. Chairperson: Leave is granted.

Mr. Daniels: Thank you very much. That is a very gracious thing, Sir. I will try to be brief. I am not good at it. That is the truth. I have been waiting a long time, though, and I am all heated up here. [interjection] That is right. Yes, it gets worse does it not, but I will do my very best. Thank you, Sir. That is gracious.

My second point is this: that over the past five centuries, universities have evolved a very special role, in addition to transmitting and creating knowledge. We have become the institution that far more than any other corporate body in society, far more than any other body in society, is given the job of being society's critic. This has been around a long time.

The University of Toledo protested the Spanish Inquisition. Cambridge University protested Stuart tyranny. Harvard-Yale protested McCarthyism. The University of El Salvador, San Salvador protested the military juntas.

* (2230)

This simply has been a role thrust upon us that we have taken, and four or five centuries has hallowed. Okay, we are then, we feel we have a special claim to autonomy or special degrees of independence within society since we have the job of being a critic. Now governments often find our people annoying. There is no doubt about that.

They find our people unduly critical. They find them unfair, and particularly, of course, governments often find us ungrateful, because governments give us money, governments give us resources, and we bite the hand that feeds us. And we do. That is just true. We do. That is our job in some ways. Often I sympathize with governments, or rather institutions even.

When I hear my colleagues rail, my intemperate colleagues rail, often I think, unfortunately or unfairly, but this is a price we should be willing to pay. This is a price we should be willing to pay. This is a price of freedom of expression. It is a price we pay for journalists, by the way, and we should pay for—who are really annoying, worse than we are, and something we should also be willing to pay for universities.

If universities are not given unusual freedom, unusual freedom within the structure, we as a society will lose something very precious. We will lose freedom of inquiry on the part of the most educated, formally educated at least, members of our society. It is no accident that military dictatorships always seize control of the universities first, because we are the critics. We are the seed beds of unrest. We also are the consciences of society and we also need to be able to pursue truth unmolested and unfearful of serious direct government reprisals.

I do not, by the way, think for a minute that if Bill 32 is implemented with every "i" just as it is and every "t" just as it is, I feel no worry physically. I do not for a minute think that I will be dragged out of my office or that anything horrible will happen to me. I do believe this though, in the next 20 years there will be a controversial professor here, there will be a controversial program that universities will want to defend and governments will want to do something about. This has happened. It is an empirical thing. It is not logic we are talking about here. Logic will mislead us. We are looking at history, we are looking at the reality. This always happens when there is government control of universities. Faculty members and programs are injured and weeded out, and almost always afterwards there is a degree of breast beating and how could we have done that.

My own university is guilty of two horrible sins in this regard. I use sins because, of course, it is when the

University of Winnipeg was United College, only had very little protection of academic freedom, when Salem Bland, one of the most distinguished social critics this country has produced, was purged from our university, when Harry Crowe and other distinguished scholars in 1958, in 1959 were purged from our university. The University of Winnipeg took 20 years in each case to recover from that. It will happen again. We have safeguards now against United Church. We need those safeguards against you, against you the well-intentioned decent people of the government. We do need that.

Okay, we are all capable, by the way, of exercising bad judgment. All of us are. We have developed an extraordinary array of protections against that kind of censorship, against that reprisal. There is a price to pay for you, and I am asking you to pay it. It is that precious, I believe.

My third final point, and I know I am taxing you here. This is my final point. Universities are repositories of tradition. They must change, of course. We all know they change. We all know they must change, but they must not be made to change to accommodate every shift in prevailing wind. The life of governments is short—actually the life of your government is pretty long, but the life of most governments is short—and your government is short when you compare it to the centuries of university evolution. Governments, of course, come in with mandates to change. It is one thing to build a highway, it is one thing to end Pharmacare, put Pharmacare back in, end Pharmacare. There are certain things governments can do to flip back and forth that do not cause long-range harm. They are debatable propositions. They can injure somebody or benefit somebody, but they can be tacked back and forth.

University programs—to grow a scholar, to generate a scholar takes a generation, 20 or so years of training. Programs take decades. Universities build reputations over quarter centuries, half centuries, and they can collapse very easily. Library development—if you have a hole in the library, you will never get it back. So change cannot be thrust upon us by external forces. Change simply cannot. I ask you once again for indulgence. If you want to change us, it is fair enough to reduce the money, I would argue not to, it is fair enough to reduce our money and let us make the changes within that.

Trust us to make those or else there will be changes made that simply will work to the detriment of the universities of Manitoba, of the government, of all of us, because it is inevitable that governments and opposition get involved in partisan bickering, no matter what the government is, which of the three parties. No matter who the opposition is there will be partisan bickering, there will be things done for political purposes always whether I agree with them or not. Those things will be done. If the minister and the government have more direct control over us than they do now, those things will be used to affect us in ways, we will become involved inevitably in the partisan bickering of the province. No institution that is directly controlled by the government will be able to escape that.

Okay, let me end here. I thank you for your indulgence. I have been talking about the universities being international. I have been talking about universities being critical, and I have been talking about universities being rooted in ancient tradition. Let me say, I am a real Manitoban. I have been here 27 years. I am very proud to be here. I will spend the rest of my life here, and I will retire here and not even move to B.C. Let me say, also, I appreciate the problems you are facing. I do appreciate the problems. I do appreciate the constraints placed upon you. What I am asking you to do is not rethink the whole world. I am asking you to realize how precious our independence is, and I am asking you to consider those minimal amendments offered by our senate that will change the language to go a great way towards easing our fears about the potential in the future of government interference in ways that can harm us irreparably and harm education and harm society in Manitoba irreparably. Thanks for your indulgence. Thank you very much.

Mr. Toews: Well, my comment is very brief. I think you have answered most of my questions. I am just sorry you lost the democratic nomination. I think you could have given our neighbours to the south some assistance.

Mr. Daniels: Thank you very much, sir.

Mrs. McIntosh: Thank you very much. I think I would enjoy being in a classroom in which you were the professor. You had a number of points. I want to answer all of them, but I do not have the time so I will just pick on a couple.

You said you need safeguards against the government being able to dismiss staff, controversial staff or whatever, and this is consciously and absolutely in there for that very reason because we asked the question, how do you guarantee you can protect academic freedom? We have that the council may not interfere with, and it has got some things listed, and the last one is the independence of a university or college in the appointment of staff, and it is there for that express reason. It is under a category called limitation, and I just leave that with you.

I also want to indicate that we will be making a few amendments that will address some of the points you made, but I wanted to ask one question, and then maybe someday we will have a chance to talk more about a whole bunch of things. You mentioned a fear that this bill will prevent a university from embarking on a particular piece of research. What is there in this bill that makes you feel that? I know there can be a place where indirectly, on matters of broad significant public interest, the minister can give general direction in saying, we really do need some good research in Manitoba, say, on agri industries, and that would be the limit of what she could do or he could do. What is it that makes you feel they cannot embark upon a piece of research?

Mr. Daniels: Partly that, but other parts of it. In Section 11(e), where there is evaluation of faculty and evaluation of programs in the university, when the government or the new council is allowed to determine the criteria for evaluating faculty and programs, I find to some degree that will have a chilling effect. Sometimes I think even in precensorship, people will choose not to embark on types of research if they know they may later become controversial.

Other parts that also worry me, in Section 3(2)(a), policies is not included along with just standards. Words like policies, academic policies, words like criteria for evaluation, always make me fear that there will be an emphasis placed or suggestions made that things that are made in Manitoba or that things that are directly relevant should be more important. I think somewhat that my fears come out of the emphasis in the Roblin report on the practicality of universities. I mean, I do believe they should be practical, and I do believe poetry to some degree is practical, and I am not playing a game here in this.

Let me tell you of a personal experience I had last year of waking up to read the Sun in the morning and to find that my own research was being ridiculed as particularly irrelevant because a Reform Party education critic in Parliament had gone over a list of SSHRC grants and fastened upon some of them that were particularly ridiculous, he thought, and I found myself being held up to, really, national ridicule for four or five days. It is dog in the manger to start defending things like that, but I would always worry, say, that Reform Party was in power here and had the powers to identify criteria that this person would suddenly start saying to universities, why are you tolerating people like this doing that kind of research? I think it is fair to say, you know, to criticize my research, but I think it should be done from within the structure of people in Ottawa or internationally, not by someone who does not like the sound of a title.

Mrs. McIntosh: And yet this 11(e) says that it is to develop and implement in co-operation with universities and colleges accountability requirements, et cetera, for core functions of teaching, research and service including—

Mr. Daniels: I would end there, Madam.

* (2240)

Mrs. McIntosh: But how does that compare then? That is there now for measuring the performance, the criteria of measuring the performance. How does that compare then to what was in before where the commission, an arm's-length body from government appointed by the minister, whoever she wish, could without any criteria just simply say, we do not like that? In our opinion it is not justified. You will quit doing it now, and you would have to quit doing it. That is gone and this has replaced it. I think what we have got is better than what we had.

Mr. Daniels: Well, yes. My sense of the Grants Commission was that it did not act on that, and my sense also is of course that the Grants Commission operated within the arm's-length structure. It was not directly under ministerial control. That is, I think the difference is that the present council will function virtually from within your department, I feel, and that the controls on it, it will function within the constraints and the structure placed upon it that your office will and that the arm's-length status of the Grants Commission went a long way

towards ensuring that would not be implemented, though I will be frank, I do not like the Grants Commission statement either.

Mrs. McIntosh: I will make this my last one. I am just so tempted to carry this on with you all evening, but the arm's length of the Universities Grants Commission, it was never spelled out that the minister could not communicate with the Universities Grants Commission. This spells out that the minister can communicate within certain criteria with limitations spelled out. Before there were no limitations on the minister's ability to communicate. There was nothing that said she could or could not do anything. Here it says, the minister can legitimately open and freely and legally communicate with the council with restrictions spelled out, and I will just submit that this is more open, more transparent and better than the other way. But I take your points, and there will be amendments that address some of them.

Mr. Chairperson: Professor Daniels, you can respond, then Ms. Friesen.

Mr. Daniels: All right, thank you, yes. Well, why do we not have an agreement then that that is quite acceptable, but if we would add some of the amendments we have they would just further tighten up exactly what you are saying? They are amendments such as ending after services. So it does not appear that individual faculty are being evaluated. So we have things like academic policies and standards, and okay, I will take it. And thank you, Madam.

Mrs. McIntosh: I appreciate your advice. It has been very helpful, thank you.

Mr. Daniels: I appreciate the opportunity. So we appreciate, thank you.

Mr. Chairperson: Hang on, Professor Daniels.

Ms. Friesen: There is a section in here under general provisions, the minister's power to review the council's mandate and to have access to records and information. A person or committee appointed under subsection 1 may examine and inspect any records, documents or things in the possession or under the control of the council and make any inquiries that they consider necessary. There are some concerns that this extends to universities and

colleges, that it is not just the records of the council but that it is the records of the institutions themselves, and I wondered if that was how you had read it and whether you thought there should be some safeguards there.

Mr. Daniels: Yes, that is how I read it, and I do think there should be safeguards and, once again, I do not want to offer these in any spirit of suggesting that I see malevolent intent. I just honestly know that men and women gotten together, given a structure, when things come to tough choices, will sometimes use the maximum expanse of possibility in that structure. That is why I would like the language to reflect these safeguards, and, I think, it is things like that that do, they have an elastic quality at times to them that I do fear.

Ms. Friesen: I have one other question, and it is a question of principle. I wondered how you would come at it both from your, perhaps, American political experience but also your experience as a professor at a college or university which used to be a college associated with the United Church.

The bill that you see before you is not exactly the bill that we are going to be asked to vote on. There is an amendment that the minister has proposed which allows the Lieutenant-Governor-in-Council to designate for the purposes of grants, but not for the purposes of accountability or review, any institution in Manitoba. That opens the door, of course, to a great variety of institutions from private career colleges to bible colleges. The Colleges Act also remains in effect and the Colleges Act allows the minister who may now delegate her authority to this particular body, to designate as post-secondary institutions, a high school. So what the minister is proposing is to open the funding to a wider variety of institutions, many of which may have religious affiliations but not all, but not the accountability provisions, not the review provisions, not the direction of the minister, not the direction or what I would call the intrusive aspects of the bill. I wondered how you would look at that from a philosophical perspective.

Mr. Daniels: Yes, I resist public monies going to any institution of education that has a test of faith or morals or strict religious criteria. We have United College by historic association and I value very much the role of United College and its role on our board. It is central to our traditions.

Were I starting the world anew, I would not start the University of Winnipeg with United College and a religious college at its centre. To be fair, we added a religious college recently, Menno Simons College, which I voted against the senate and spoke against.

I do not think the government should put public monies into religious schools, nor do I think they should put public monies into private schools either. That is another story. I think there are real dangers involved in that. I think there are real dangers then in public monies going to subsidize certain points of view that are undoubtedly decent and heartfelt by people, but that are not subject to the common wheel. They should be subject to someone's own religious or personal preferences.

With United College, we simply have a historical phenomena that is not going to go away. I would not purge it, nor would I purge the religious colleges at the University of Manitoba, but they are really denuded of their religious content now. We have no test of faith and morals with them. We have no theology school with United College anymore. They really are almost historical artifacts that are part of the structure that emerged. I think we would not put them there. This would be starting something. This would be starting things anew and giving money, I think, to religious schools if that is the case.

It is always hard to make religious schools or anything accountable in the same way public sector universities are. I am not qualified to speak in the detail of it, Madam Chairman, at this part of it.

Mrs. McIntosh: On the matter of St. John's College, we turn out priests there still. It is fully funded.

Mr. Chairperson: Thank you very much for your presentation.

Mr. Daniels: Thank you very much.

Mr. Chairperson: Extended presentation, I must say. I would now like to call on Devin Latimer, that is the last call for Devin Latimer. Devin Latimer is now off the list. Deborah Stienstra, last call for Deborah Stienstra. Deborah Stienstra is now off the list. Dr. Carl Ridd, last call for Carl Ridd. Carl Ridd is now off the list. Second call for David Markham. You may begin, Mr. Markham.

Mr. David Markham (Private Citizen): Thank you. First, please allow me to introduce myself. My name is David Markham, and I am before you today to speak against Bill 32, The Council on Post-Secondary Education Act. I should also identify myself as a student who has had the privilege to experience the instruction at both the University of Winnipeg and the University of Manitoba over the course of the past six years. I am also currently a graduate student at the University of Manitoba, and I am, therefore, a direct stakeholder in this province's university system. I am speaking against this motion because of my concern that the proposed Council on Post-Secondary Education will go a long way towards negating the credibility of our academic institutions.

The purpose of this council is ostensibly to promote greater co-ordination between academic institutions in the province. This is, in itself, a laudable goal, well worth supporting. In fact, it is something that should have been done years ago. As all students know, there are many efficiencies to be found within the university system. Unfortunately, the minister was not satisfied with making the proper changes that would help the universities to operate in a more functional context. Instead, she appears content to completely deconstruct the basic principles which define a university.

A university, as we all know, serves as a locus for the creation and advancement of knowledge through the pursuit of scholarly and scientific research. This knowledge is then diffused throughout the community through the provision of graduate, undergraduate and professional programs as well as through scholarly and scientific publication. This knowledge is perpetuated for future generations through the library and archival systems.

It is important to realize, much as it may be an inconvenience to the government of the day, that a university must operate under a different protocol. The many functions of a university all occur under the auspices of various conventions, practices, laws and arrangements that ensure that the university will not be hindered in any way, shape or form from fulfilling its very important role in the community. This protocol exists to guarantee that faculty members maintain the right to think, to teach, to criticize and to publish without fearing reprisal or penalties should certain aspects of society disagree with what they have to say. It is clear that the

intent behind the proposed Council on Post-Secondary Education is to imperil these important freedoms.

* (2250)

The Council on Post-Secondary Education is nothing more than a cynical attempt at centralization by the Minister of Education. The council, whose purpose is supposedly to promote greater co-ordination between academic institutions within the province, will only succeed in augmenting ministerial authority over the operations of Manitoba's post-secondary institutions. This centralization of power occurs at the expense of the legitimate administrative instruments that are already in place, namely the university senates. By integrating the Ministry of Education and the Treasury Board so deeply into the established structures of university governance, the minister threatens academic freedom.

Section 4 of the act goes a long way towards clarifying the real intent of the government in this matter. It directs the council to act within a framework of accountability established by the minister, who may give the council general direction on matters that relate to its mandate, including but not limited to priorities that the council should follow, and co-ordination of the council's work with the programs, policies and the work of the government.

The intent of this section is clear. It is an attempt to intervene in academic policy making, to set program priorities and to determine the levels of funding for individual departments. It is an attempt to link the operations of the universities with the agenda of the government of the day. It is the antithesis of institutional autonomy, and it goes a long way towards eroding academic freedom.

The role for government in the promotion of academic freedom should be to ensure that the conventions that guarantee the autonomy of the institution and the ability of the faculty to operate free from the control of powerful interests are protected. This bill does the exact opposite. It is a failure on the part of the government to properly conceptualize the role of university senates as the proper locus for university governance. Given that the university senates are recognized by academic institutions from around the world as the centres of direction for universities, one must question what implications Bill 32

will have in an international context. What credibility will the hard-earned diplomas from Manitoba universities have if this bill is passed?

The proposed establishment of the Council on Post-Secondary Education is yet another example of the erosion of democracy within the province. The Minister of Education (Mrs. McIntosh) will no doubt contend that she has a responsibility to the taxpayers to ensure control over the post-secondary education system and will justify the formation of the council on those grounds. Her solution differs little from proposals that have been generated in other departments. We have seen the Minister of Health (Mr. McCrae) attempt to diffuse the many criticisms directed at his policies by establishing regional health boards to take the fall for the unpopular actions of the government. Such moves are reminiscent of a Thatcher-esque style of government, a form of government which features unelected, unaccountable, and mostly partisan supporters appointed to serve as a buffer between a cabinet minister and a recognized decision-making body.

If the imposition of a mechanism similar to the regional health boards is an indication of the direction the Minister of Education intends to move in with regard to the Council on Post-Secondary Education, Manitobans can expect little more than yet another layer of bureaucracy stacked with friends of the government. The implications, however, may be much more damaging. The minister should take a close look south of the border and examine the consequences when too many government officials have a say in the formulation of policy. An open system invites unscrupulous operators such as lobbyists and interest associations to influence the operations of government.

Because the council will be yet another political arm of the government operating within a framework dictated by the Minister of Education, I doubt that decisions will be made in a fair and nonpolitical fashion. Those interests that are held in high esteem by the government will have the opportunity to further their own agendas, while those who criticize the government from within universities have reason to fear that they will experience retribution. Programs which the government considers to be contrary to its political or economic needs will be cut on the grounds that they are inefficient or a duplication of services.

It is my wish the minister reconsider the composition of her proposed council and amend the bill to provide for the yearly elections to the council from the various stakeholders that share an interest in the university. Students, academics, university management, colleges, and the government should all have a voice in ensuring that the formulation of university policy truly reflects the will of the people that are most involved with it. An amendment to the council's mandate to ensure that academic policies will not be manipulated by the council is imperative. Further amendments to ensure that the framework the minister imposes on the council is determined through consultation with the stakeholders would also be welcome.

In conclusion, I would also like to request the minister and her colleagues abandon their ideological crusade against educators and critical thought, and for a change recognize the impressive contributions that universities and community colleges make to the province. Our university instructors are too often maligned by this government. Legislation such as the proposed measure to disclose public sector salaries, including those from within the universities, is meant to provoke hostility and to reinforce negative stereotypes the citizens have about our instructors.

Section 11 of Bill 32 that calls for accountability requirements is but another example of the lack of trust that the government has for university instructors. Perhaps those that oppose measures such as Bill 32, like myself, would not imply ulterior motives on the part of the government if the government were not constantly belittling university officials at every opportunity. One is quick to recall the Premier's attempt to censure the Harvard University professor of astronomy whose only crime was to postulate openly about the university strike last year.

Instead, the government should quickly reconceptualize its view of public education for the good of the province. Other provinces have made accessible education a priority for its citizens. Others have been quick to recognize the external funding that universities bring into the province. Maclean's magazine has been none too kind to the University of Manitoba in recent years, but even it recognizes that the U of M adds considerable value to its students in the form of knowledge which only ameliorates the Manitoba economy. The government

should take action to nurture such an important resource rather than condemn it through legislation such as Bill 32. Thanks.

Ms. McGifford: Thank you, Mr. Markham, for your presentation and thank you for pointing out, as the president of the University of Winnipeg did earlier, the economic contributions that universities make to Manitoba. Are you speaking as an individual tonight?

Mr. Markham: As an individual, yes.

Ms. McGifford: Thank you. On the third page of your presentation you suggest an amendment, but my overall impression from having heard you read is that you do not really have much use for this bill at all, and that you might prefer that it be scrapped, and that all those affected meet again and reconsider legislation. Am I putting words in your mouth, or is that accurate?

Mr. Markham: Well, to a certain extent, I do agree with the concept. In general I do agree with the goals the minister had when she proposed the bill in the first place, supposedly, to achieve greater co-ordination. Now, I am very much aware that there are many problems with regard to the many inefficiencies that there are between, in particular, the two urban universities, the University of Winnipeg and the University of Manitoba. I am aware that there are many things that they could do. They can co-ordinate library services, which was also brought up earlier today. They could attempt to co-ordinate the procurement of journals, which is often something that I have had many difficulties with, being forced to order a journal from another university, the University of British Columbia, the University of Saskatchewan, University of Toronto, those universities that actually stock a wide selection of journals simply because the universities here do not have the financial capacity to actually make these procurements.

I understand the context. I understand the economic constraints, you know, that the government is facing right now, but the fact is that there is a lot of duplication in the procurement of journals. The fact is that we do not need the same journal to be procured at both universities, and I think we can go a long way towards ensuring a greater co-ordination in this regard. These are very good things, and I do not have a problem with that. It is just these other instances that I brought up earlier, in particular the

fact that the council is not elected in the first place, that it is just another layer of bureaucracy ostensibly filled with patronage appointments that is going to be taking a very active role in university policy, and that is very disturbing.

Ms. McGifford: So you agree with the minister's goals and aims, but you do not agree with the way they were enshrined in this bill.

Mr. Markham: Absolutely.

* (2300)

Mrs. McIntosh: Yes, thank you very much for your brief. I have one comment and one question. First of all, we are not creating another layer. We are actually taking two layers and making them into one. So we are going, Universities Grants Commission, Colleges Secretariat, making a council. So we will have one instead of two bureaucracies which—just for your clarification.

I just wanted to ask, you had a couple of places where you were suggesting some amendments. I do not have them all drafted here. Now, I cannot find the spot. I did indicate to you that we are going to be introducing some amendments when we get to clause by clause which will address a couple of the points, I think, you have made here, so we will take the comments you have made into consideration. If you get a chance to take a look at the bill as it comes out, you may find some of your concerns addressed. So I thank you again very much for coming forward and sharing your views, and I am sorry I cannot find my little example here.

Mr. Chairperson: Ms. McGifford, you had another question, I think.

Ms. McGifford: Yes, I did. I wanted to ask Mr. Markham about accessibility to university education and whether he as a student, and I notice you have been a student, I think you said, for five years in two different institutions, whether you believed or noticed that you or your friends were having a tougher time affording university, and, also, whether it was tougher for you to get access to the courses and programs.

Mr. Markham: Oh, absolutely. I can remember saving up for my first tuition payment of \$1,500. My last tuition

payment in my final year of my undergraduate program had risen to \$2,300. So, needless to say, the financial cost of attending university in the province of Manitoba has, you know, ridiculously gone upwards, and there is no question. Again, we understand the financial constraints, but when it comes to making an investment in the future of this province and in the future of this country it seems very ridiculous to not take the opportunity.

With regard to just the simple fact of accessing the universities, I have been a student at both the University of Manitoba and the University of Winnipeg. I also note that there is a lot of duplication with regard to the same courses, but I would like to emphasize the different needs of the different clientele that attend both of these universities. It is not, you know—it is something very clear that there is a different kind of clientele that attends the University of Winnipeg. It is often a local clientele, one that is centred around the particular institution. It draws a lot of people from the core area who simply do not have the resources nor the time to go all the way out to Fort Garry to attend classes at the University of Manitoba. I know some people will criticize both universities for offering more or less hybrid courses, but I think we need to really take into consideration the different clientele that participates at both institutions.

Mr. Chairperson: Thank you very much for your presentation, Mr. Markham.

Jennifer Dueck. Last call for Jennifer Dueck; Jennifer Dueck is now dropped off the list. Jean Altemeyer. Jean Altemeyer. Jean Altemeyer. It is her last call; she is off the list. Lawrence Deane. Last call for Lawrence Deane; Lawrence Deane is off the list. Dr. Bruce Bolser. Dr. Bruce Bolser. Dr. Bruce Bolser, that being the last call, is off the list. Maggie Ross. Maggie Ross. That is the last call for Maggie Ross; she is now off the list. Rachel Thompson. Last call for Rachel Thompson; she is now off the list. Joseph Donatelli. Joseph Donatelli. That is the first call for Joseph Donatelli; he goes to the bottom of the list. Jesse Vorst. Jesse Vorst goes to the bottom of the list. Professor Earl Rosenbloom. Professor Earl Rosenbloom, not responding, goes to the bottom of the list. Tom Booth.

Mr. Tom Booth (Private Citizen): Thank you very much for allowing me to speak with you on a matter that

is of great concern to me, and that is our universities in Manitoba.

I want to take this occasion to speak rather globally on the situation, as I see it, because I think that we have things that are, as the previous speaker indicated, extremely precious. We should be interested in what we have, and in fact, I think we need to be careful with what we have, and that is really the message I want to leave you with. I do not really want to get into separate sections of the act. I have read the act. I do not think that is really what I want to do. I want to try to inform you as to what you have, and I want you to think a little.

I speak with you this evening as an educator and someone with knowledge of educational systems, first-hand knowledge in other parts of the world by virtue of the fact that I have worked in other parts of the world, and as I am an educator, I have had to interact with people in other institutions.

What I want to do is give you an overview of how education can be perceived and how it can function and how I have seen it function in various parts of the world, including our own province. I also want to remind you of what your government, what the current government has stood for in education and what it has said about post-secondary education. I think it is important.

Finally then, I want to talk with you about what we really have in Manitoba and what is so special, and I want to give you real life examples. If we look at education in other parts of the world, for example, in Latin American countries in which I have worked, I have observed that post-secondary education is information driven. Information-driven education results in extreme emphasis being put on memorization and a preoccupation overtesting. It starts with young children and it goes all the way through to universities and it is in fact inherent in the way university professors operate in those countries.

In Manitoba it is my belief that we have education that is learning derived, and I think it is special. Education that is learning derived focuses on critical thinking; it focuses on problem recognition and problem solving. I have students, graduate students, two of them from foreign countries in my laboratory. They are both very fine students. I have students that are from Manitoba, too. It is interesting that my Latin American student has

great difficulty in recognizing problems. He is a critical thinker of sorts, but he was raised in the zombie system, memorize it, read it, learn it and then regurgitate it back. In Manitoba we have not operated that way and we do not. It has been a learning experience for him and for me, for him to do his Ph.D. here in Manitoba.

The next subject that I want to speak on is what this government has said about education. I have heard it said on the floor of the Legislature and I have heard it said in this room on other occasions that in fact, education should be driving the economic engine through increased competitiveness. Now, that stuck with me, obviously, and I think it is an admirable goal. But in order to do that we have to recognize that competitiveness increases with the ability to adapt to change.

* (2310)

I am a biologist, and I live for the whole concept of evolution. In fact, biologists, by definition, are people who study change, and I must admit that I have sort of a little buzz phrase. It is kind of a hyphenated word. It is called pre-adaptation, and I have often thought that in Manitoba what we attempt to do is preadapt people. Preadaptation arises from broad understanding and ability to solve problems. Competitiveness infers cross-semination of ideas and lines of thinking to develop new fields and products.

Now I want to point out the beauty of what we have with just a very, very poignant example, and I want to leave you then with a couple of questions if you will allow me to do that. The example that I want to give you is the following. I want to admit to my meaning. I am a biologist and I am a biologist who is specifically a botanist. In Manitoba, we have one of two existing botany departments in the entirety of Canada. The other one is at York. We have had students go out of our university as undergraduates to take graduate degrees at York. They are very fine students; they are employed all over Canada. They come back and they admit, not because I took my degrees at Manitoba but because it is a fact, the Botany department at the University of Manitoba is better than the Botany department at York.

Now, that says something, but let me go just a little bit further and that is, I want to indicate to you what a testament of quality diversity is, because if you think of

a Botany department, it represents diversity in our institution. It represents a very important example of diversity.

But now I want to begin to make some cross-seminations for you. You know that on the shelves of bookstores there is a Pulitzer Prize winning novel for sale, it is called *The Stone Diaries*. *The Stone Diaries* was written by a professor in the Department of English at the University of Manitoba. If you have read the novel, that novel has as a principal character in it, a botanist. Where did the author of the novel get the information? A phone call made to the head of my department. Okay. We have something in Manitoba that we cannot let go of; it is called diversity. You have to ask yourselves some very important questions in the legislation. You have to ask yourself the following: Have you thought of the possible effects of determining institutional program and therefore diversity from outside of the university? A simple question but an important one to give a lot of thought to.

What will your decisions do to preadaptation and competitiveness therefore of those institutions? Please think about the change and the institutional and social diversity required to meet the future challenges in Manitoba. Thank you. My message is brief and simple. It is late and I think I will stop.

Mr. Chairperson: Thank you very much for that presentation.

Mrs. McIntosh: Your message was also very good and I appreciate it very much, just so you know, and then a question.

We have four foundation skills that were written in our blueprint for excellence, *New Directions*, for education in Manitoba two years ago when we developed them. We have four essential skills that must permeate all learning in the K to S4 system and hopefully that will be taken into the secondary system, and No. 1 is problem solving—problem solving, communications, human relations and technology. Our basic mission is to prepare students for a world that will be changing rapidly. It is our basic mission with those four high standards, measurable standards, to prepare for a world that will be changing rapidly, learn to adapt because we know it is changing as we speak.

I wanted to ask you about botany. I wanted to ask if you would consider that a potential centre for excellence for western Canada? We have been saying to the institutions, as you begin your work through this co-ordinated effort, find your centres of excellence and identify them. We have also been talking to the ministers of Education across Canada who unanimously have agreed to start looking for easier credit transference and support for students going in and out of centres of excellence that their own universities might create. Would you feel your botany, biology would be such a centre of excellence?

Mr. Booth: I would like to answer you in a way you might not expect, no, no, no. I will tell you why. The joy of what you have, the importance of what you have is the diversity of the institution. It is in the diversity of the institution that ideas exchange. As a government, you could do more to develop excellence if you would do the following and that is stimulate the contacts between botanists and people who write novels and lawyers and soil scientists and so on. It is much more important that that sort of thing happen than the eggs get poured into the plant basket, if I can use an animal example that just does not quite jibe with green stuff.

Mrs. McIntosh: Maybe I am not explaining what I mean by a centre of excellence. Do you not think if you had excellent quality, the best professors, the best program offerings in botany that you would attract students interested in excellence in that subject area, and then you would automatically have the interconnections begin to occur because the novelist then would automatically use you as a centre for research if you were seen to be a field of excellence in that area? The diversity, I think, would come once you had a series of centres of excellence. It would just automatically flow, would you not think?

Mr. Booth: It has already happened, and it is continuing to happen. We are very assured of what we are. We are small and we are recognized as needing individuals. Okay. The department has become quite small, but that should not come at the expense also of the diversity of the institution as an institution and, in fact, the diversity of universities across Manitoba.

I understand where you are coming from, but I would want you to try to understand where I am coming from.

I am a graduate of a small undergraduate college that had the name Eastern Baptist College, a religious institution that has since changed its name to Eastern College. If you look it up in the blue books, it is a small college outside of Philadelphia. It is a college that is very, very excellent in a part of the United States that has a lot of good colleges in it, and I do not think I need to start naming the colleges along the so-called mainline.

As an undergraduate, I was raised to appreciate the exchange of ideas between scholars in different fields. My undergraduate degree is in arts; it is not in science at all. Okay. So you are talking to a fish of a slightly different colour in the sense that I could take the easy route and say, yes, give us the four positions, send the money out to the university, make sure that we get it somehow and thank you very much. But that is not the answer that I would want to give you in light of what I have said, and I do not mean any disrespect by that at all.

Mr. Toews: I guess I do not mean to sound facetious, sir, but when I have to go back to my constituents and justify government spending, monies that they have to pay by the way of taxes, it is hardly an answer to those constituents that I say to them, well, we need these many departments of botany across Manitoba or these many departments of this or that because they serve as an excellent resource for a novelist to phone up when he is writing or she is writing a novel. I do not mean that to sound facetious, but we do have to go back to our constituents to justify the money that is being spent. It appears to me that this bill is trying to put some order, some rationalization, and also to respect the undoubted gains that your profession has meant for the province of Manitoba. But there has to be a balancing, sir, and we are asking or I am asking specifically, if this does not create that balance, how else do we create that balance?

Mr. Chairperson: We are almost out of time. Is there leave for him to answer the question? [agreed]

Mr. Booth: I started out by saying I do not want to discuss the act. I find the act headed in a direction, and I think it brings into mind the questions that I have asked you. I think that I am not asking you to address a particular area; I am asking you to address the concern I have about maintaining the diversity that we have in the university, and I am arguing fundamentally that that maintenance perhaps can be best accomplished by

coming from within rather than coming from without. That is really what I am arguing.

Mr. Chairperson: Thank you very much.

Stephen Holborn. You may begin your presentation, Mr. Holborn.

* (2320)

Mr. Stephen Holborn (Private Citizen): Honourable committee members, I am pleased to participate in these hearings before the committee. The strengths of a democracy and of a university are that they encourage dissenting opinions to be heard and that they encourage a sharing of decision-making powers between those governed and those who govern. These strengths, I fear, are major casualties in Bill 32.

However, the topic that I want to centre my remarks around is visions of a university; different visions of a university. The architects of The Universities Grants Commission Act appear to have had a vision of a university which I share. In their vision the university was to be placed at arm's length from any government. The commission, although appointed by government, was not under direct control of the government.

It was the intention of the act that, and I quote: "the commission should restrict its activities to the fiscal arrangement of universities"—Section 3.

Its role included the responsibility, and I quote: "to assure that adequate post-secondary educational resources of the type normally provided by universities and colleges are available to the citizens of the province"—Section 15.

Note that this vision of a university contemplates that by the very nature of a university it transcends the narrowness of provincial boundaries or partisan politics. Note also that by written order the commission could require, and I quote again: "a university or college to cease to provide or offer, or to withdraw, any service, facility or program of studies involving moneys at the disposal of the commission which, in the opinion of the commission, is adequately offered or provided by another university or college or for which, in the opinion of the commission, there is no substantial justification"—Section 16(3).

However, the trimming shears could only be employed within the context of the commission restricting its activities to fiscal arrangements and assuring that adequate educational resources of the type normally provided by a university are available to Manitobans. This power to cut programs has not, to my knowledge, ever been exercised by the commission.

What about the visions of a university in Bill 32? There are visions here that I also share. Some of these are the visions expressed in the preamble, namely, whereas the creation and sharing of knowledge is essential to meaningful participation in a democratic society; whereas universities and colleges are among Manitoba's principal assets and a main instrument to ensure the long-term social, cultural and economic well-being of the province and its citizens; and whereas it is essential to promote excellence in the post-secondary education system while ensuring that it is accessible and effective and makes the best use of available resources; and whereas post-secondary education must be well coordinated in order to establish a basis for broader future oriented partnerships among the universities and colleges and between post-secondary institutions and government.

Surely, these basic truths appear self-evident, but they are logically contradictory to the following sections of Bill 32 which prescribe ministerial control for political purposes.

Knowledge cannot safely be created and shared, the long-term well-being of the province and its citizens cannot be ensured, excellence and successful co-ordination cannot be achieved in an atmosphere rife with governmental control, with a council and a university under the thumb of government.

In Bill 32, Section 4, the council must operate within, I quote, a framework of accountability established by the minister who may give the council general direction including but not limited to priorities the council should follow and co-ordination of the council's work with the programs, policies and work of the government. The control of the minister is extended in Section 11 of Bill 32 where within a framework established by the minister the council may set priorities and in accordance with these priorities allocate funding to universities and colleges or programs therein.

One need compare only the table of contents of The Universities Grants Commission Act and Bill 32 to see the emergence of the direct power of the minister in the latter. This power is apparently without scope. What are its limits? The council is not at arm's length to the government. It is directly accountable to the minister and must follow government orders. This vision is nightmarish and Orwellian, reminiscent of government and minister as Big Brother and is logically inconsistent with the vision of a university expressed in the preamble to Bill 32 and with the vision of a university expressed in The Universities Grants Commission Act. It is incompatible with excellence of a university and long-term benefits to Manitoba and Manitobans.

Universities have evolved to places of learning and research which must be insulated from controlling influence from governments or other outside agencies. New knowledge is threatening to the status quo, to the parties in power. The first impulse of such parties may be to turn off the funding tap for programs or scholars, which or who run counter to the common view. However, such contributions are unique and monumental precisely because they run counter to the common view.

To make a university subject to the waxing and waning of political agendas as in particular sections of Bill 32 is to return Manitobans to the dark ages of science and society and to deprive them of one of their most precious resources, a vibrant, independent university. Thank you.

Mr. Chairperson: Thank you, Professor Holborn.

Mrs. McIntosh: You made several points, but I will just address one because I know that your friends here are anxious to ask you a question. I do not know if you heard the president, the lady—

Mr. Chairperson: Yes, Ms. Friesen.

Point of Order

Ms. Friesen: On a point of order, I think all committee members on this committee are the same. I think the minister was perhaps making an inappropriate comment. It kind of passed by me.

Mr. Chairperson: I am afraid I did not hear it. I did not hear an inappropriate comment.

Mrs. McIntosh: Sorry, I do not think I did, but if I did I apologize. I do not know what you are referring to.

Mr. Chairperson: Maybe she can begin again and if you have an objection about something not being in order, I will hear from you.

* * *

Mr. Chairperson: Continue, Honourable Minister.

Mrs. McIntosh: I was just indicating I do not know if you heard the president's request in terms of amendments or not, but Marsha Hanen had presented on behalf of the presidents of the institutions and had several suggestions which we thought were really quite good.

One of them will be addressing one of the points you raised, and that was that clause where they had suggested that we put "and carrying out its mandate" in terms of relationship to government that the council shall act as "an intermediary" between the post-secondary institutions and the government, feeling that that was a more appropriate word and we agreed. It was actually the word that we have been seeking. Again, they suggested that after the words "of significant public interest," that a partial list—really, what purpose did it serve? And we agreed, so we are going to remove that. I think you were just going on about how concerned you were about that and the implications could be so horrendous, but it will be gone when the amendment comes and it is not that significant to us to leave it in, if it is causing people concern. So I just thought I would share that with you.

Mr. Holborn: I appreciate those very much. I guess, I would be concerned with what intermediary means. I have no idea. Who makes the decisions? Who has the power? What is an intermediary? Does it mean that you still have the power? We might as well do away with the council.

Mr. Chairperson: Any other questions?

Mrs. McIntosh: Seven presidents seem to think it is all right.

Mr. Holborn: That does not mean that it is.

Mrs. McIntosh: No, that is true. That is very true.

* (2330)

Ms. Friesen: Thank you for the presentation. I wanted to address the issue of accessibility in Manitoba and whether this bill is sufficiently broad enough to enable universities to continue the kind of accessibility policies that they have had in place in the past. Accessibility is mentioned in the preamble, but it is not contained in the directions or the framework of the council at the moment. In particular, one of the things that has concerned me is that it is tuition policies which are addressed, not the whole package of tuition, loans, bursaries in the context of maintaining accessibility. I am wondering if you can give me some sense from your years of teaching in Manitoba, what that has meant and perhaps how it compares to other areas or other universities or other places that you have taught.

Mr. Holborn: I certainly can give a perspective on that. I am in the Psychology department. In the last three years, we have had our special academic funds, which are mainly used to fund graduate students—I might say to fund them at a level that I was funded at in 1964 to 1968 at the University of Iowa, an agricultural state that has a great investment in its universities. Today, graduate students there make approximately \$25,000. When I was there, I made approximately \$3,000. It was plenty. I got a little extra summer supplement. It was plenty for my family given student housing and the costs.

Three years ago the students in psychology, our graduate students as one example, would get about that as teaching assistanceships. There are some other sources of funds, of course, the federal fellowships and the Manitoba fellowships; but they are limited. Our budget was cut approximately from \$180,000 to \$45,000. We have no supplies and expenses budget in psychology at all. We are running a deficit budget. I have more duct tape on my floor than carpet. I have requested that my office be painted four times in the 25 years I have been at the University of Manitoba. It has been approved four times; it still is not painted. So it is not just students that are suffering. We have very little support for research. I am finding that students are struggling more and more. They are working more hours and therefore performing less well.

There are other reasons. If the program that went into play in the public schools is supposed to improve problem solving, it has yet to reach the university level.

In my experience, skills are going down in that area. Maybe it has not been in play long enough. I certainly would encourage a focus on those kinds of general skills because, after all, that is what a university is interested in, generalizable problem-solving skills that can be applied in a wide variety of domains. We are not interested in teaching people just practical skills or just to be technocrats or tradespeople or something ultra-specialized.

Mrs. McIntosh: Thank you very much. I am just interested, I am sorry, and I hope I did not mishear you. Did you say that it has been 20 years since you got your office approved for painting four times? So back into 1976, so successive governments then have repeatedly not tended to the material needs of your office and yet even in those days of double-digit revenue they were not painting your office?

Mr. Holborn: I am not blaming government. I do not know that that knowledge penetrated to the government level, but I have the pleasure tonight of bringing some of those facts to your attention. I think it is unsafe in the halls of the Duff Roblin Building. We have a lot of carpets that are torn and not taped. I understand that that is finally going to be solved, but it is far too late. If I can just say one more thing in my area of expertise here, which is psychology, I am very concerned about this bill and what it might do to training at universities and to what they become.

If I look for a parallel, I see what is happening now to my colleagues in rural Manitoba, Brandon, for example, where the psychology descriptions are being rewritten. Psychologist 3, which used to be restricted to M.A. and Ph.D.s, now admits people with bachelor's degrees. They cost less but the delivery of service is less. A friend and colleague of mine has just lost his position, a 25-year civil servant. He is a specialist in the area of eating disorders. There were three people at the Brandon Mental Health Centre working in that area, and now we have the new regional mental health centre. There are only two positions. One of those positions went to someone with a bachelor's degree. What happens to his clients who are juveniles with eating disorder problems? Where is the government here?

You think a bachelor's degree person can do that? You get what you pay for. It is not the only reward in

university life or otherwise, but you will find out. There are babies that died at Health Sciences Centre. To me, you needed more expertise, more senior physicians. It is harder in the mental health area. Maybe one of these eating disorders or two will die. Will we attribute that to the fact that he was not there to help them? I do not want to see a university exposed to those kinds of changes.

Mr. Chairperson: Thank you very much for your presentation.

Mr. Holborn: You are welcome.

Mr. Chairperson: Roland Penner. Roland Penner. Roland Penner goes to the bottom of the list. Grant Woods. Grant Woods. Grant Woods goes to the bottom of the lists. Sue Bruning. Sue Bruning. Sue Bruning goes to the bottom of the list. Michael Shaw.

Hello, Mr. Shaw. You may begin your presentation.

Mr. Michael Shaw (Private Citizen): Thank you very much. What I would like to talk to you tonight about of course is Bill 32. Why else would I not be at home in bed? But I want to talk to you about the good things about Bill 32 and then where I see where the bill has fallen short of the goals of the preamble. I get the bill; I read the bill; I look at the preamble. I think someone who has gone through the University of Manitoba as a student and now is employed there as an instructor, I read the preamble, and I think, good, this is an improvement. We are moving in the right direction. The government is going to do some positive things. You talk about how the recognition that the universities and colleges of Manitoba are a valuable, valuable asset to the province not just in that it provides us with education and those individuals get jobs, but that the whole body of knowledge that the university creates and fosters and enlarges is good for the province of Manitoba, even citizens who may not attend or whose children may not attend. So I think that is very positive, and that is moving forward.

But then when you get into some of the areas of the bill—and I am just going to go over a few of them that I think are problematic—I did not quite hear the minister at the end of that last presentation, but some of my comments, given that she was saying there might be some amendments, may not be relevant anymore. But I will go

over them anyway. The first problem area when I look at Bill 32—and I look at the former UGC bill, or, pardon me, the university granting commission, the mandate of the council—and it is in 3(1) in Bill 32 where we plan and co-ordinate rather than study and advise, and we talk about sort of the goals and the mandate of the council. I do not find a replacement in Bill 32 for 15(b) of the UGC Act where we talk about how the council, the university granting council, is going to have a role in providing access.

(Mr. Vice-Chairperson in the Chair)

If we go and we have a quick look at 15(b), there is language about assuring that adequate post-secondary education resources of the type normally provided by universities and colleges are available to the citizens of the province without waste and unnecessary duplication. That statement to me speaks about access. What the UGC was telling us was that we were going to have access. We were going to have in place a post-secondary system of the type that we can expect on normal type of post-secondary system, and it was going to be available to the citizens of the province.

* (2340)

When I look at Bill 32, we see that we are not going to have waste and unnecessary duplication but we no longer have statements about accessibility. I think that is a key thing that is in the preamble, but we do not find it in the actual bill where we are going to provide this system for all of our citizens not just those who can afford it or those who—anyway, I am just going to come down to afford it these days.

The next problem I see in the bill is the number of times that there is the input of the government in the control of the council. When we look at article 4 where the minister is going to be playing a role in setting out the guidelines and the directions of the council, we see further sections of that when we look in 3.1 where the council is going to be planning and co-ordinating, keeping in mind other sections like 11(b)(2) where the minister is giving directions to the council, so everything we get from the council has come from the minister. There are numerous examples in the bill where the minister, the government is exercising control of the council. It is no longer the arm's-length structure that we

had in the UGC bill, and I think that is unfortunate that some of the those things have been lost in the new bill.

The next point I would like to make, and just to give you some background on this, I teach one of the first-year courses with an enrolment of around 1,500 students, so I spend a great deal of my time looking for criteria to measure in terms of assessing grades for those students. In 11(e) we see that we are going to develop criteria, we are going to develop criteria to measure. The words "criteria to measure" to me mean numbers. Anytime you have criteria to measure, not assessment and other things, when you put in the word "measure," people are going to want this post-secondary council to come up with numbers.

I think numbers are very, very dangerous when you are looking at the quality of post-secondary education, when you are looking at the quality of the programs, the quality of the faculty. I think having statements like criteria to measure is very, very dangerous. I am not saying that this government or this council will do it, but you can see where people could come up with quite arbitrary measurements.

What if you are going to decide the value of a program at the U of M or the measure of a program at the U of M is what proportion of their graduates have a job in that field within 12 months. If that is how we are going to measure the value, and again it is an arbitrary number, if that is what we use, we could say, well, Classics ranks fairly low. What do we need the Classics department for? None of their graduates seem to have jobs in the field within 12 months, and that is our criteria of how we are going to measure excellence.

So I think 11(e), where we are talking about criteria to measure, I think it is important that a government body, but an independent government body, can examine how the universities and colleges operate and how they work, but I think it is careful, I think it is important we keep away from criteria to measure so we do not get into this numeric game where, well, we would like to fund you but this other department in Brandon got a 7.2 and you only got a 7.1 so you are going to have to be eliminated in some way.

And the final problem I see with the section, I see with the bill, is Section 14(2) of the new act, where we talk

about, it is a new power, where we talk about reducing programs. The former act had talked about getting permission for expanding programs. This one also talks about reducing programs in 14(2). Then 14(3) goes on to talk about imposing other terms on an approval in the university or college, and they shall comply with any term or condition that is imposed. I think having language like that—I am not suggesting that this government or any future council would actually carry out this—having statements in there about imposing other terms and that the universities will be required to comply with those terms and conditions allows for this council to directly interfere with the operation of the university.

A university may come to you or come to this granting commission—pardon me, not a granting commission now—post-secondary education committee and tell you they would like to delete a program in engineering that very few students are enrolling in anymore. We would like to delete that program. The council, after advising the minister as they are required to in 14(3) and keeping in mind the oversight of the government in things like 11(b) and (4) would then notify the university that they can delete that program, but the terms and conditions that we would like to impose, which are other terms and conditions not necessarily related to the program that you want to eliminate, and they can be any terms and conditions and you must comply with them. We have decided you have to get rid of this other program that we as the government of the day do not find desirable. I think there is a real danger that that can happen underneath the structure of 14(2) and 14(3). There are other problems with the bill, but I will not take up any more of your time this evening. Thank you very much.

Mr. Vice-Chairperson: Thank you for your presentation.

Mrs. McIntosh: Thank you very much for your presentation. You raised some very good points. I cannot remember them all, but we have staff here and they have been writing down pertinent points as people go through which is very helpful to us later because then we can go through. Hansard does not always come out the very next day. I did not see a written brief from you. [interjection] No. Okay. So they have noted.

Some of the things that you mentioned we will be bringing amendments in on, and the one that I noted as

you said it and it was being brought in in two places is the reference to accessibility. It is in the preamble and it was assumed that that would be noted as threaded throughout, but people seem to want the comfort of seeing it and appearing in a few other places. So, again, where it does not change our substance or where it clarifies our intent a little better, we are pleased to comply.

I just wanted to ask you something, because I see this in a lot of presentations. You expressed concern that the council, after they have gone, they could go to the minister and get permission to wipe a program out. I am not sure if you are aware that the current Universities Grants Commission Act, the commission does not even have to go to the minister. The commission can just wipe it out if, in the opinion of the commission, they do not see any justification for it. They do not have to say what it is. We have removed that power and we have said now they have to go through the minister. I will not read it again because I have read it several times, but it is in The Universities Grants Commission Act. It is 16(3) and it is controlled by another clause where in the Universities Grants Commission they have to go get written approval. That clause is repeated in the new act with the inclusion of the word "reduce" because in the Universities Grants Commission, they did not have to go for written approval to reduce, they could just do it. Now they cannot reduce unless they get written permission.

All of that goes back then to the minister whose powers are strictly limited in law, defined in law as the controls and strictures on the minister's power. The way we have been criticized by those who wanted us to be really hands-on in the university is that we have watered down The Universities Grants Commission Act. We have been told that from the people who feel we did not go far enough, that we have watered it down. We actually have something that is nice and cosy because we can communicate legally now, but we have actually watered down the authority of the commission which is now called a council.

* (2350)

Mr. Shaw: I think one of the things to keep in mind though is that 16(3) is not as invasive as the new language, because 16(3) was within the UGC which of course was limited to financial matters only. The UGC was also an arm's length body from the government

which, as I mentioned earlier, I do not see the post-secondary education council being. On a final note, there is not that same language about in the process of withdrawing courses or withdrawing programs. There is not this other body of allowing the council to impose other terms and conditions which must be complied with by the university. There is not that sort of coming around and doing other things that are not in the process.

Mrs. McIntosh: Thank you and I appreciate your perspective. We have taken looks at those arguments and gone through and through, but 16(3) is much more than money. It talks about services, faculties, programs and they can simply be stopped. The Universities Grants Commission, of course, also is a politically appointed commission, appointed by the minister and you know, I guess, the new council is set up in a very similar way to that, again, arm's-length from the minister. The minister cannot interfere with the daily operations. The minister can provide broad, general direction on matters of significant public interest within very strict confines.

Right now, the minister legally has no authority to communicate with the Universities Grants Commission at all, can be accused of ministerial interference if she does, or, on the other hand, because the act does not forbid it, could technically order them to do anything and there is no—this laying down of the channel for communication and identifying how the relationship will occur, to me, is much more transparent and much more accountable than what currently exists. But I take your comments, I understand what you are saying, in that it was maybe not arguing about the clauses because it is difficult in 15 minutes, but I understand what you are saying is to be cautious. You are giving us a caution, which I appreciate and understand. When we go to pass the bill, I will be going through it because so many people have said it, be careful, and I will be reading through it, trying to be comfortable in my mind that we have accepted your cautions and tried to reflect it in our wording. I appreciate that.

Mr. Vice-Chairperson: The time is up. Thank you for your presentation.

We will now call upon John Loxley. John Loxley, not being present, to the bottom. Richard Orlandini. Richard Orlandini, not being present, goes to the bottom of the list.

Jim Forest. Did you have copies?

Mr. Jim Forest (Private Citizen): No, I do not.

Mr. Vice-Chairperson: Thank you. Please proceed with your presentation.

Mr. Forest: Honourable members of the committee, I appreciate this opportunity to speak to you about Bill 32. I have read The Universities Grants Commission Act and Bill 32, and I believe that Bill 32 will impede the ability of students and staff at our three universities to carry out their main duties of educating students, promoting the advancement of knowledge and servicing our communities. These communities being not only in Manitoba, but Canada and, indeed, the world community. The bill does this, in my view, in the following ways: It threatens the independent nature of the university by offering some future government the possibility of an active political interference in the gathering of knowledge, the teaching of that knowledge and the evaluation of those who gather that knowledge, particularly those individuals who propose ideas that may in some fashion be politically unacceptable.

The bill is also a danger by proposing to establish government accountability standards when appropriate and accepted worldwide standards are already in place in our universities. By so overturning accepted standards, I believe it endangers graduates attempts to compete for jobs or to obtain placement in graduate schools at other universities in North America. Further, new untested standards may minish the chances of our staff members to teach appropriate courses, to produce high quality research, to publish such work or to win grants or awards.

Finally, the bill takes the decision making and evaluation process away from those with the greatest expertise in making such decisions, and it delegates it to groups who have different training, different responsibilities and different concerns than the ones faced by the university students and staff in their day to day fulfillment of responsibilities.

The process of graduation from our university is a long and arduous one, particularly if a student is taking advanced degrees such as the master of arts or the doctor of philosophy. During this time the student receives an

education in ethics and accountability that I believe is far more extensive than that received by most individuals in other training environments.

(Mr. Chairperson in the Chair)

I will refer here to psychology, where I have considerable experience. An undergraduate student major in our department is expected to demonstrate in a four-year program advanced and detailed knowledge of the content of psychology, a clear understanding of the methods of science for gathering knowledge that is valid and reliable, concrete skills related to writing, research and evaluating new hypotheses about human behaviour and a grounding in the ethical standards of the Canadian and the American psychological associations. These accountability standards are conveyed to students by the current staff through classes, combined research with students and personal interactions. These broad goals are entrenched in students by those who have the conceptual and the procedural skills to implement them, the staff of the universities of this province.

For those students who demonstrate both interest and ability in psychology there are additional opportunities related to serving on departmental committees and working with staff on research. In the graduate section of our department, students commit themselves to an additional five to seven full-time years of training beyond their undergraduate four years, training which emphasizes accountability in teaching, research, administration, therapeutic skills and ethics. Students at the graduate level in our department are expected to act as teaching assistants and then perhaps as course instructors. They are expected to advance world knowledge in their area of expertise by carrying out high quality research in their master's thesis and their Ph.D. dissertation. They are expected to present at learned conferences and to publish in scientific journals. They are expected to serve on departmental committees and faculty committees related to curriculum and instruction, examination and evaluation, human ethical review, graduate admissions and financial assistance. They are expected to develop high levels of research and therapeutic skills, and they are expected finally to become expert at world class level in psychology.

You may ask why I spend so much time on what high level standards are instilled in our students. Because

these are the high standards that newly hired staff from across North America, Europe and Asia brought to this province in the 60's, 70's and the 80's, and they did it for the purpose of teaching, research and community service.

The staff of the universities in our province have apprenticed for eight to 10 years before they were able to apply for university positions. They are then put on probation for up to six years and every promotion that they experience requires an evaluation by departmental committees that survey staff members productivity.

I believe that this province has benefitted profoundly from the very independence, free expression and expertise that it now proposes to control, or ignore possibly, through this bill. This province will continue to benefit from our universities if the government appreciates that the issues of quality, accountability, knowledge and ethics have been essential ingredients of university life long before they became cliches of the 1990s.

Our universities and those of other states and provinces have had generations of experience in testing and changing standards to meet new demands. I, therefore, respectfully offer my view to the honourable members of this committee that attempts to repair an institution that is not broken is a waste of time, money and effort and an invitation to disaster when the powers that be discover that there is no secret source of inspiration for how to improve something as complex as a university, or as abstract as the search for knowledge. Thank you very much.

Mr. Chairperson: Thank you, Professor Forest.

Mr. Struthers: I enjoyed listening to your presentation. I know that you heard the spin that the minister was putting on the answers on the question of the presentation previous to you. I want to point out, however, that others who have presented to our panel here have explained it in a much different way. They have looked at the old system where the UGC has been appointed by the minister and did not have a lot of say in the normal running of the university, the day-to-day programming that is offered there, and then described the way that Bill 32 spells it out as the minister still appointing much of the new council and having more powers within the university to affect the actual day-to-day programming that the universities offer for their students.

What I would like to get is sort of your take on that kind of difference in opinion between what the minister is saying and what many presenters have been saying. I would like to know if you are worried about the excessive grab of power that this minister is doing here, in taking powers upon herself, to put her fingers into the day-to-day programming of the university.

Mr. Forest: The minister proposes that the prior act was as invasive as the one that is being proposed now, and I suggest that if it was felt that there was a need to improve the prior act by taking out that particular number that there would not be as many people here to complain, that potential control would have been eliminated and would have been applauded by UMFA and the members of the university. As it turns out now, I see that while that might have been eliminated, others have been substituted which I think are as dangerous or more dangerous in my view.

* (0000)

Mr. Struthers: My other concern deals with the role of the senate at our universities. It is my contention that Bill 32 will see a weakening of the effectiveness of our university senates, a lessening in the amount of actual effective input by students and by professors on the day-to-day goings on in the university. Is that your impression as well?

Mr. Forest: Governing bodies for the university have to represent all of the interests, including the interests of the students and the staff members. They both carry an expertise. One being the demands of students for education in new areas that they perceive as being important for their job opportunities and for their education. Those are conveyed to staff members through classes; they are conveyed to deans of departments and then from there to departments. I believe that if there are changes in organizing bodies that place a significant amount of power in one particular group, then the likelihood is that group will become the dominant force in deciding policy.

As I understand it, there is an indication that there may be a substantial change in the setup for the governing bodies of the university to the extent to which a large number of students will be appointed and staff members will be reduced in their number. I think that is a

potentially dangerous problem for deciding what is a quality education for a student.

Mr. Struthers: Just one more question. Is it not true that however the minister looks to set up the governance of our universities, if this government does not fund universities to an adequate level that no matter how you rig the system, you are going to have a negative effect on the day-to-day operations of the university?

Mr. Forest: I head the graduate department in the Department of Psychology, the graduate section of the Department of Psychology, and when I tell a student to make an application to a university, I tell him two things, ask for an application to the university and an application for financial assistance and support. I say that you should make your choices on being chosen by a good university and by a university that offers you substantial living funds for the period which you are going to attend. Now, obviously, if they find a student does not perform well may terminate those funds. They then ask what is the opportunity for getting it at the university, and I am forced to indicate that they are very poor. I do believe that without support students have and will continue to choose other universities over ours, because the funding is there and is not at our university.

Mr. Chairperson: Thank you very much for your presentation, Professor Forest. John Whiteley.

Mr. John Whiteley (Private Citizen): I would like to thank the committee for this opportunity to present on Bill 32. I certainly admire their stamina listening to all of these presentations. I am another member of the Psychology department at the University of Manitoba. I have been a professor there for 27 years. I have also served on the university senate and the budget advisory committee of the university and on the board of representatives of the University of Manitoba Faculty Association. I am currently the head of the Psychology department. I just want you to know that I have nothing to do with whether or not Professor Holborn's office gets painted. I certainly believe it should be painted. [interjection]

What I am going to say reiterates some of the points that other people have made, of course, because I think many of us are deeply concerned about the infringement of the autonomy of the university that this proposed bill

represents. I think that trying to co-ordinate and have an efficient system of higher education in this province is a very important and admirable goal, and I do not think anybody would disagree with that. I think in the manner of doing that, it is necessary to preserve what is at the very heart and soul of higher education, and that depends on the autonomy of the universities.

Now in a talk on the independence of universities that was given quite a few years ago by an eminent scholar and former president of the University of Toronto, Dr. Claude Bissell, he said that universities should have a bill of independence or rights similar to the rights of individuals in our society. He specified three rights. He said that universities need to have the right to determine who shall teach; they need to have the freedom to determine what will be taught; and, they need to have the freedom to determine who will teach it.

Then he goes on to say that these freedoms are dependent on a fourth right of the university, and that is the right of the university to distribute its financial resources as it sees fit. He stated in this talk that the university must never abdicate its right to make the final decisions in any of these areas, for abdication of one means abdication of all.

Now in its present form, I would contend that Bill 32 would create a Council on Post-Secondary Education that has a potential to impinge on the right of a university to distribute its financial resources as it sees fit. When this happens, the other freedoms to determine who will teach, what will be taught, and who will do the teaching will inevitably be eroded. The consequences will be a third-rate institution granting third rate degrees, and hence the inevitable failure, in fact, of the Council on Post-Secondary Education to achieve its mandate, the mandate of the council which states in Section 3(1) that the council is to "promote excellence in education."

The present Universities Grants Commission Act clearly states in Section 3 that the commission would restrict its activities to the physical arrangements of the university. Furthermore, the Universities Grants Commission operates as an intermediary between the government of Manitoba and the universities.

In contrast, it is stated in Section 4 of Bill 32: The proposed Council on Post-Secondary Education reports

directly to the minister, who will give the council general direction on matters that relate to its mandate and that are, in the minister's opinion, of significant public interest, including but not limited to priorities the council should follow and co-ordination of the council's work with the programs, policies and work of the government.

The inclusion of the word "minister" in Section 4 removes the arm's-length relationship that currently exists between the UGC and the universities and colleges. In other words, it provides for the intrusion of political considerations into the work of the commission, including the commission's evaluation and funding of specific programs in the universities.

Consequently, Section 4 would allow an unacceptable level, in my opinion, of interference with university autonomy and it would be better, as has been suggested by others, to remove that section from the bill altogether.

The heavy hand of government is also seen in Section 11 of Bill 32, which states that the council will operate, quote, within a framework established by the minister and then when allocating funding to universities and colleges or to programs within universities or colleges.

In addition, Section 14(2) provides a powerful means of control by the commission over the distribution of physical resources within the universities and colleges, a right that Bissell identified as being crucial for all the other rights of the universities.

Unlike the present Universities Grants Commission Act, it requires approval of any reduction of programs, as well as approval of programs requiring money. In effect, this requirement prevents universities from redistributing their resources as they see fit, and when considered in conjunction with Section 4, it opens the door for political interference in deciding which programs universities offer and who will teach them. The responsibility of the proposed commission to approve reductions in programs should be eliminated for this reason from Bill 32 to protect the legitimate rights of universities to determine the internal allocation of their resources. As President Bissell pointed out in his essay, administrative control easily shifts to thought control.

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The primary function of universities as institutions within society is to provide a place that nurtures free inquiry. Administrative arrangements that inhibit universities from freely pursuing knowledge will undermine the quality of their teaching and research. The ability of faculty members within such institutions to compete for grants will be compromised. The value of the degrees of such institutions will be decreased in the eyes of the international academic community. These are outcomes that must be avoided to ensure good value for public investment in Manitoba. To avoid such outcomes, Bill 32 should be changed in ways such as the ones that I have suggested to protect the autonomy of Manitoba's universities. For the sake of future generations of students and faculty, I hope you will have the wisdom to make these changes on the bill. Thank you.

Mr. Chairperson: Thank you, Professor.

Mrs. McIntosh: Thank you very much and, no, we do not blame you for the lack of paint and we hope someday that the paint gets where it should be, on the walls, and brightens the place up. You said a lot of things and I have listened and I will ponder them, as Mary did in her heart, so to speak. I will not get into them with you because we do not have time.

I wanted to ask you one question, though. I have heard it come up many times this evening in different ways, but I thought that you came right out and said it very clearly, in terms of a university's rights and talking about the right to who will teach, what will be taught, who will teach it, and you said, the right of the university to distribute its financial resources as it sees fit.

I do not disagree with any of those, except I am reading into that, like an unconditional right of the university to distribute its financial resources as it sees fit. I take it, then, that if I asked the question, should those citizens who provide the financial resources to the universities have any right of any sort or any say in how those resources are spent, your answer would be no. Taxpayers give \$220 million a year, \$200 million-whatever to the university, they have no right to say—the students pay 22 percent of the cost—they have no right to say, according to this right that the university should have. Is there not some way that the people who provide the financial resources should be able to at least ask for certain things to be considered, if not done?

Mr. Whiteley: Well, first of all, that was not my meaning. The meaning that Bissell had here was that the university, once it is given funds to operate, should have the right to decide how it is going to use those funds internally. Now, it is not the same thing, because a university makes decisions about programs through complicated discussions within itself as an institution and those discussions involve the administration of the university. They involve the students that attend the university, they involve representatives of the government and the public that are selected and placed on the board of governors of the university.

Now, given all of that, there is a wide range of consultation within institutions about what they are going to do with their resources, but beyond that of course they are responsible to the public and to the government to rationalize and to explain the choices they make. That is very different from a situation where you have to run and get approval for eliminating a course or a program because you want to reallocate the funds to some other priority that you have identified through detailed discussions and considerations within the institution itself.

So, certainly there has to be accountability, but I think that the fact is that the government has to play a role in informing the public that if it is going to have quality institutions that this autonomy of the institutions is a necessary feature of what is going to allow them to be quality institutions that are delivering quality services to the public. Now, that is a difficult thing, I think, for people to accept, because everyone from department heads to presidents to presumably ministers of the government at times would like to be able to tell the faculty members to do something different than they are doing. The fact is that the university, because of the nature of its activities, requires this kind of autonomous ability to control its internal affairs.

Ms. Friesen: Thank you for your presentation. I do not know if you had a written version of it that we could look at as well.

Mr. Whitely: I will get you one.

Ms. Friesen: I would appreciate that. I also wanted to ask you about the footnote for Claude Bissell's article and the context in which it was written, but perhaps I could provide that in the answer.

A comment and then a couple of questions. One is, of course, I was impressed by a letter to the editor recently, I think, by Professor Clark from the University of Winnipeg where he did make the very good point that governments are expanding their authority over universities and colleges at the very time that they are diminishing the resources that they allocate to those institutions. It is an interesting juxtaposition, I think.

You made a reference particularly to freedom of inquiry and the importance of that in universities, and I wondered if you would support or perhaps even have words that you might suggest to us for an amendment that might incorporate that, perhaps into the preamble.

The preamble talks, as you know, about autonomy. It talks about the importance of planning. It emphasizes the fact that there must be a well-co-ordinated relationship between universities, colleges and government which is interesting in the preamble, but it does not talk about academic freedom. Is there some wording that you might suggest to us?

Mr. Whitely: Well, I have not actually looked carefully at the preamble. I do not know if I have even seen a copy of the preamble, although I have read the bill otherwise, but I think any kind of statement that makes salient the need for academic freedom or freedom of inquiry or some such phrase in the preamble, I think would be a very positive change.

Mr. Chairperson: Ms. Friesen, your last question, and then Mr. Enns.

Ms. Friesen: My last question deals with the power of this council to review files, and I have some concerns about privacy issues there and individual issues, and I wondered if you had looked at that part of the bill and perhaps could give us some sense of how it might have an impact upon the staff of your department.

Mr. Chairperson: Mr. Whitely, quickly.

Mr. Whitely: Well, I would be very concerned about the ability of the government to come in and look at a personnel file in the dean's office for a particular faculty member. I think that would be incredibly intrusive. I have not thought about that particular section carefully, but I think there should be some reasonable safeguards

on the sorts of personal information that would be passed on to a commission outside the university.

Hon. Harry Enns (Minister of Agriculture): Professor, I acknowledge that I have not been a regular member of this committee, but I suppose I am disappointed having listened to a number of your colleagues and yourself about the ongoing expression of concern about the fact that academic freedom commonly exercised by the university is viewed by so many of your colleagues as something that is foreign to those of us in government, and having been privileged to have sat around the cabinet table, having been part of the cabinet that created the first Grants Commission and having watched a friend and colleague of mine, the then-Minister of Education appoint his deputy minister as the first chairman of that Grants Commission, I am given to understand, listening to you, that it has worked reasonably well all these years.

If the current minister were to do that today, would you be making the same kind of appearances before us and saying that this would herald an unprecedented amount of government intervention?

Mr. Chairperson: The time limit has expired. Is there leave to have him answer the question? [agreed]

Mr. Whitely: Perhaps I would, but I am reassured to hear that members of government have thought about the autonomy of the university. That is good.

* (0020)

Mr. Enns: Prior to 1967, the university administration came to the cabinet of the day to have its budget agreed on. I sat in on those sessions. It came to the Treasury Board of the government of the day for its approval of the budget. I would think with that kind of history and the concern that you are expressing today, there should be massive concerns in the university corridors about returning to those bad old days.

I suspect that the University of Manitoba developed very well in the late '50s, '60s, '70s. Do you understand? I am disappointed, I suppose, that you have so little faith in the concept that has been so clearly established and demonstrated by different governments about the value and the acknowledgment of the autonomy of the universities and the freedom of academic information, that the relatively modest changes to the act are being

portrayed in the manner and way they are being portrayed in lieu of the history, I am sure. I understand you joined the university 27, 28 years ago. You just joined the university when the first politically appointed Grants Commission took over the approving of grants and monies to the universities, and yet your memory does not seem to be scarred by that having been a bad period of time. You joined the university at that period of time, I would like to think being able to exercise your academic freedom.

Mr. Chairperson: Leave for—

Mr. Whiteley: Compared with what you are proposing, well, you are telling me that the previous set-up was I would see the Universities Grants Commission, it is probably being viewed at the time as a very positive change for the better, and it was. I think the Universities Grants Commission in fact has operated as long as I can remember in a way that did not create these kinds of concerns.

Mr. Enns: They were developed in exactly the same way—created by a minister, appointed by a minister, appointed by a government.

Mr. Chairperson: We better have some order. Thanks very much. Unless there is leave to continue the debate, I think we have had a good run at it. Thank you very much, Professor Whiteley.

Ed Bruning. Ed Bruning. Ed Bruning not being here goes to the bottom of the list. Professor Anne McGillivray. Professor Anne McGillivray not being here goes to the bottom of the list. William Pruitt.

Mr. William Koolage (Private Citizen): Thank you. Pardon me. Deep throat here. A couple of comments and I will be brief, because it is the late hour. I have been working in this province and doing research here for 30 years. I have supported a lot of students. My colleagues and I have brought \$1.5 million worth into this province. Should this bill be enacted as written, I doubt that I can attract dollar one, and I most certainly will not ask any student to work here. Thank you.

Mr. Chairperson: Thank you. Are there any questions? Mr. Struthers.

Mr. Struthers: Yes, thank you. Mr. Chairperson, I was fortunate enough to attend university at a time when the

almighty buck was not so much an obstacle to attending as it is today. I attended at a time when my contribution of tuition fees totalled around the 6 percent mark, and the Manitoba taxpayer picked up, presumably, the rest of the tab. At that time we had clearly a third representation on the Brandon University Senate and not only did we have a pretty good situation monetarily, but we had a good strong input into our education.

We learned earlier today that students contribute around 22 percent, so clearly the students are picking up more of a tab and the people of Manitoba are picking up less of the tab. What we have in this bill is a diminishing of the amount of input that students have into the operations of the university. The minister was talking about accountability and saying that seeing as the taxpayer is paying a large percentage of the university budget funding the students' education that they should have the minister looking out for the purse strings and being accountable for the taxpayers of Manitoba. Clearly, what is happening though is that the taxpayers are kicking in less and less money and the minister is taking in more and more power. Do you agree with the assessment that I have put forth to you so far?

Mr. Koolage: I do not really know how to answer that in terms of—I cannot answer that.

Mr. Struthers: I guess I am kind of fixated on the argument of accountability. Who do you think universities should be accountable to and how are universities accountable now?

Mr. Koolage: The universities are accountable to the taxpayers. The universities are accountable to the academic community. The universities are accountable to the academic community in the wider perspective of Canada. We have the academic responsibility on one hand—I am trying to think of the proper word—to be reliable in our research and our teaching. We are also accountable to the people we teach. I do not see that we are accountable to each and every bean counter who happens to be out at our bailiwick and who drives us nuts every day. So we are dealing with many different things there.

Mr. Struthers: In your opinion, does Bill 32 increase the number of bean counters that you are supposed to be accountable to?

Mr. Koolage: You bet.

Mr. Chairperson: Thank you very much for your presentation. Delores Keahey. Delores Keahey not being here goes to the bottom of the list. Jacquie Vorauer. Jacquie Vorauer not being here goes to the bottom of the list.

Robert Glendinning. Mr. Glendinning, you may proceed.

* (0030)

Mr. Robert Glendinning (Private Citizen): Ladies and gentlemen of the panel, I would like to begin with what is the nearest I can come to a positive statement about this opposed legislation and that is to say that the Limitation section, Section 3(2), does sound reasonable and good. Reasonable and good, that is, until one reads on and finds that the apparent intent of that section is, in my opinion, subverted and rendered meaningless by Section 4, Direction from the minister, and Sections 11 and 12, Duties and Powers.

Section 4(a) and (b) states that the minister has the power to give the Council on Post-Secondary Education "general direction," and surely, at least in my vocabulary, give direction means steer, and surely steer means to control. The power to give the Council on Post-Secondary Education general direction in matters which are, again, "in the minister's opinion," of public interest.

Then in Section 4(b), we hear that this includes but is not limited to—not even limited to "programs, policies and work of the government." It seems difficult to imagine how it could be stated more clearly that the government's agenda is to be the measure of what is in the public interest with the minister's opinion thrown in for good measure.

In Section 11, we read that the council which has the power to set priorities and policies and to allocate funding, not only for universities and colleges as such, but for programs within these institutions shall do so, "within a framework established by the minister." It is obvious even to an eye untrained in the language of the law that this legislation gives the minister a breathtaking range of power. The minister's opinion shall determine not only what is in the public interest, but also what best

suits the policies and work of the government of the day and the universities shall conform to these policies and to this work.

Bill 32 gives the minister the power, if he or she wishes to exercise it, to operate the post-secondary institutions of Manitoba as an extension of government policy; in fact, almost as if they were a government department. To the best of my knowledge, this has never been so in the recorded history of a modern democratic society. Let me state categorically that the government, although it is presumably attempting to serve the public interest according to its own best lights, should never allow itself the luxury of assuming that it is the highest and best instance of public interest at any given moment.

A government's reading of public interest may be flawed or coloured by its own particular political agenda, and as we all know governments and their policies come and go. The university's and college's task is to grow and thrive over a longer haul, and it cannot possibly do this if it is operating in effect as an arm of government policy. This is not to say that institutions that oppose secondary education should not be accountable for their activities to those who pay for their operation, the citizen body as a whole. Now even with a sweeping electoral victory behind it, a government of the day represents only a part of that citizen body.

My point is that making a university or a college directly accountable to a minister of the Crown does not make it more accountable to those who pay or more responsible in the performance of its role in society. On the other hand, I believe that there are at least two principles that make for a greater accountability and responsibility. The first of these is that like a commercial enterprise, the university has customers. It is students. There can be few public institutions that are more directly exposed to criticism and constant evaluation by those it serves than universities and colleges. There are formal procedures in place by which professors, courses and programs are regularly evaluated by students, and where anything is found wanting, the message is loud and clear.

Where there is a community for a new course or program or where an existing course or program has become redundant or superfluous, how is notice of this fact likely to be given more directly than by students who want or do not want the program in question? The

university administration has the mechanisms at present to respond to such a situation. And that is what I have to say about a university's or college's role in meeting the needs of its immediate social and economic environment.

I would like to comment further, however, on what I see as an equally fundamental and important role for post-secondary education in Manitoba, and as the second principle, which in my opinion defines the ideal role of post-secondary education. It is no slur on Manitoba to say that this province is not a major centre of human endeavour. Its capital city is characterized to a degree perhaps not always realized by its citizens who typically overcompensates for it by the factor of isolation, when it is hard-pressed to think of another city in the developed world the size of Winnipeg, which is as far away from another city of comparable size.

What does this have to do with post-secondary education? Just this. One of the most important facets of a university is the fact that it operates on a world stage. Its task is to preserve, maintain and hopefully enhance the fund of human knowledge accumulated by previous generations. In doing this, it is not so much accountable to the local community it serves in practical ways as to the court of world opinion. It is this court of world opinion that will judge whether a Manitoba university or college is living up to its mandate or not and will tell the citizens of Manitoba whether their institutions of higher learning are capable of putting Manitoba on the map. I believe that this broader and apparently less practical function of our universities and colleges is, in fact, an eminently practical one, given our particular situation, the one I just mentioned.

Manitoba's colleges and universities should be a door that opens onto the world, a connector between Manitobans and the world community. They can only do this if they are given the opportunity to develop under the aegis of world standards and in the spirit of leading universal human needs, not only needs determined by local conditions at a particular moment in time.

I would like to end with a remark that is largely in the nature of a footnote. In the October 30 Winnipeg Free Press, on the Off Ed page, an article was published entitled University bill deserves backing, written by a colleague of mine at the University of Manitoba, or more accurately a former colleague since I recently retired. In

this article the professor in question expresses enthusiasm for the principle that government should formulate policies to govern post-secondary education, while the universities will retain the right to formulate academic standards.

He goes on to say that "it is like this in much of the developed world; elsewhere, as in Germany and France, the ministers of education even supply the curricula." I am unaware whether the writer of this statement has ever taught at a university in Germany or France, but I have taught at a German university, and I must say that my experience categorically contradicts the statement just cited. True, the ministers of education in Germany set certain qualifying conditions for students intending to enter the teaching profession or other areas of state service, and these conditions do have a certain effect on the curriculum, the curriculum requirements for those particular students, but this is a far cry from government providing the curricula for the universities. In fact, my experience in Germany was that both universities as a whole and the individual professor have far more freedom to determine their own curricula than do professors at Canadian universities.

Admittedly, there was a short period during the present century when German universities were indeed governed directly by the government; as we all know, this was the period 1933 to 1945. I am not suggesting that Bill 32 betokens anything as horrendous as this, but I do wish to make the point that academic freedom, freedom from particular agendas and ideologies, is a very precious thing and should be nurtured like a desert flower.

Mr. Chairperson: Thanks very much for that presentation. Mr. Radcliffe, did you have your hand up?

Mr. Mike Radcliffe (River Heights): No.

Ms. Friesen: Thank you very much for the presentation and for, I guess, being here still at 12:30.

I thank you very much, particularly for clearing up that issue of German universities. It was something that had concerned me in that article because I do not know a great deal about German universities, but I had this summer, in fact, talked to colleagues in France at the Ecole des Hautes Etudes about this particular bill because they are civil servants and know they are and

consider themselves as such, but their independence was guaranteed by their prestige, they believed, and it was quite an interesting way in which they described it, and it had never been interfered with to the best of their knowledge, at least perhaps not since the 1870s. So I think this is a very useful footnote for us to understand from that particular article.

I wanted to ask you, as I have been asking other presenters, about the possibility of inserting something in the preamble or somewhere in the bill something which deals with the issue that is being brought before us, the autonomy of inquiry, the freedom of inquiry, the freedom of dissent within the confines of the law. Would there be something like that or some wording that you might be able to suggest to us?

Mr. Glendinning: I had not given any thought to actually suggesting any specific rewriting of the act this evening. I have seen more things that, in my opinion, should be deleted from the act, referenced, for example, in Section 4, to the council operating within a framework set by the minister, because it seems to me that this does give carte blanche to the minister, if he or she so desired, to play a direct role in the day-to-day operation of the university; I stress if he or she desired to do so. That is not an accusation of any kind or an insinuation, but I think that if that wording remains in the bill, there is a very dangerous and I will go so far as to say even sinister potential for what others have referred to this evening as political interference, so I would certainly suggest that that particular subsection of Section 4 should be eliminated.

* (0040)

Ms. Friesen: Professor Glendinning, you are a professor of German, and I wondered if you could give us some account of what I perceive and what I am very concerned about, and that is the loss of German language teaching in the universities of Manitoba, and I include all three universities in that. It seems to me that it is an area that is of great importance to the culture of this particular province, as well as to the international role of a university.

I wondered if you could give us an account of what has happened to the teaching of German over the last few years and perhaps some indication, is there any way in

which this council could address that issue? Would it be counterproductive for a council like this to address it? What could have been done to save some of those courses, those teachers, that emphasis that we might have been able to have had on the German language and literature?

Mr. Glendinning: There is a very short answer to that question and a somewhat longer answer. I will give you the short answer and perhaps try to shorten the longer one.

The short answer is simply this, to state a fact about numbers. Twelve years ago, I was one of eight members in my department. Today there are two members in the department. The numbers of students registering for courses in the department has, of course, declined, but it has not declined to nearly that extent, so the fact that there are still lots of students taking German with only two professors left from an original eight to teach them, I think really answers your question quite eloquently.

The longer answer is perhaps that language study has been underfunded at the university for many, many years in many ways. The equipment in the language labs is hopelessly outdated and breaks down regularly. Students complain constantly about equipment that does not work. Technology and methods that are dependent on that technology have increased by leaps and bounds, but language teaching at the University of Manitoba, at least, remains hamstrung and cobbled to a methodology that belongs to, well, yesteryear, to put it mildly.

There is no overseas program. Many universities, major universities, have overseas and exchange programs that are funded. We do not have that, so there is really very little attraction. In fact, I would go so far as to say that almost roadblocks have been put in the way of students who would like to make a serious major study of languages and other cultures that are encapsulated in those languages at the University of Manitoba.

Mr. Chairperson: Thank you very much for your presentation this evening, professor.

Linda Murray. Linda Murray, not being here, goes to the end of the list.

Ms. Friesen: Mr. Chairman, I understood that at twelve o'clock we were not calling names on the list. I

understood that as you were going through them after twelve o'clock, that you were, in fact, canvassing an audience. This last time you did say, go to the end of the list. My understanding was that that had not been happening since 12.

Mr. Chairperson: You are quite right. Can we canvass the audience here now? Is William Koolage here? [interjection] Oh, he did not look like Pruitt to me. That was Koolage, I am sorry. So let the record show that it was not Professor Pruitt, William Pruitt, it was William Koolage, I am advised.

So William Pruitt is not here. William Pruitt is still on the list. Lionel Steiman. Lionel Steiman, I do not see here. Dr. Ram Diwari, not here. Alistair Cameron, not here.

What is the will of the committee?

Ms. Friesen: I thought that we had agreed that we would finish calling names at 12, and that was contingent on having finished Bill 72, which we did do, and after that we would canvass the audience to see if people who were here and wished to present, we would hear them, as has been the practice, I think, at the last few meetings of this committee. After that, my understanding is that the committee would rise and that those people who were still on the list, either for first calling or second calling would continue tomorrow.

Mr. Chairperson: Shall the committee rise and then we begin again at nine o'clock tomorrow morning? [agreed] Committee rise.

COMMITTEE ROSE AT: 12:46 a.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

Brief Re: Bills 72 and 57
Western Teachers' Association
Presenter: Tina Gordon

Good evening, my name is Tina Gordon and I'm representing Western Teachers' Association. It is a great pleasure and a privilege to be here today to participate in our country's greatest asset "democracy."

In my brief, I would like to address major concerns our teachers' association has with Bill 72 and 57. First of all, regarding Bill 72, the time lines are so restricted there is little chance for effective negotiations. Teachers and boards have 60 days to negotiate. This time period falls into the months of May and June, the busiest months of the year for teachers, thus there is little chance for constructive bargaining to occur during this time.

Secondly, the mandated opening of negotiations during the month of April appears to be designed to ensure that the budget has been approved and the mill rates set before teachers even start to negotiate. Thus teachers have no influence until all the decisions have already been made by the board. As such, ability to pay becomes "willingness to pay."

In regards to the dispute resolution, the government proposed two dispute resolution procedures—the conciliation arbitration route and the mediating arbitration route. The first is not likely to be used since it requires mutual agreement by both parties. The short time for conciliation and the uncertainty of how a conciliator's failure to recommend an arbitration will affect the parties makes this process an unrealistic alternative, and, as such, the parties are unlikely to agree mutually to use conciliation-arbitration. Thus the mediation arbitration route will be the only route used by both parties. Because the mediator can impose a settlement that does not require the approval of either party, the process of mediation is more concerned with the priorities of the mediator rather than the wishes of the parties. Therefore, the process becomes little more than unilateral arbitration. It is our contention that the purpose of these amendments are not to improve the process but to reduce the right of teachers to effectively negotiate with their boards.

Bill 57 also raises several concerns in our teachers' association. To begin with, the law provides no protection against the misuse of the published lists by advertisers, commercial interests or the media. As a rural division the published lists could provide problems particularly since most other rural persons consider their earnings in terms of net income, while the teachers' salaries are published as gross income. Our association feels the government intentionally is putting undue pressure on teachers in rural areas.

Concerning the publishing of standards results, how is the government to ensure in rural areas that teachers will not be singled out? Is a teacher to be blamed for the inequity in money and resources that already exists amongst the school divisions?

As an English teacher I am concerned about the standards tests. They appear to be a Band-Aid solution to address the issue of accountability. How can the government think that the one hundred sets of eyes on a high school teacher every day is not accountability? Not to mention the increasing participation by parents and community members in the classroom.

Last year's provincial English exam was not curriculum congruent and for the estimated \$1 million it cost to develop and administer, one could question its validity. What after all was it measuring? The high pass rate achieved in last year's exam only fuels the perception that education is maintaining standards with less and less funding. The estimated cost of this year's exam is in excess of one million dollars. Could this money not be better spent elsewhere? In addition, in excess of \$250,000 was spent on the World Issues exams two years ago with no effective follow-up. Once again this is money that could be better spent elsewhere in our present system.

In closing, the Western Teachers' Association would like to see a fairer bargaining process, and in regard to Bill 57, rural concerns addressed and overall fairness granted to teachers.

* * *

Dear Mr. Newman,

In his presentation of October 28, 1996, on the issue of Bill 72, Mr. Paul Larivière, President, Association des éducatrices et éducateurs franco-manitobaines made reference to comments attributed to Carolyn Duhamel, Past President of the Manitoba Association of School Trustees. He incorrectly implied that these remarks were made in relation to Bill 72.

The position of MAST regarding Bill 72 was made clear in our presentation to the committee on Tuesday, October 28. Mr. Larivière's statements should not in any

way detract from the strength of MAST's position on the labour relations issues

the other recommendations for change as outlined in MAST's brief to the committee.

MAST is pleased with the amendments announced by the Minister of Education at the hearings and would request that the committee give serious consideration to

Betty L. Green
President
The Manitoba Association of School Trustees