

Ms. Kathryn McCain, Chair
UNB Board of Governors

February 26, 2015

Dear Ms. McCain,

I am writing on behalf of AUNBT's UNB Act Revision Task Force to express our concern about the timelines set out by the Board's UNB Act Revisions Steering Committee. In particular, we would highlight two issues: first, the close proximity of the March 16 deadline for written feedback, the March 30 "target date" for the Committee report, and the April 16 date for Board review; and second, the notable absence of any provision for consideration by the two Senates.

The timing issues were raised by members of the Task Force when we met with Committee Chair Roxanne Fairweather and Committee counsel Fred McElman on February 12, 2015. It was difficult for us to imagine how the Committee would be able to consider seriously the large number of suggestions for changes, from AUNBT and others, in a mere two weeks. Ms. Fairweather and Mr. McElman responded that they would be able to incorporate the feedback they were currently receiving into their proposed new Act by the March 30 target date because they were already reviewing responses. However, at the AUNBT Town Hall meeting on February 19, 2015, Committee counsel McElman admitted that the Committee had not yet begun detailed review of responses to date because they were busy with information sessions and therefore had not had time. Given this discrepancy, we urge consideration of a revised timeline that would allow for full reflection on feedback received.

We are concerned also about the short time the Committee is allowing for consultation following the planned release of their final version on March 30. As you know, when the proposal was initially released, there was to be a period for written feedback *followed by* a consultation period. Both Senates, as well as AUNBT, pressed for an extension from the unreasonably short six weeks for written feedback (unreasonable, particularly given the 18 months the Committee took to produce the proposal with the assistance of counsel McElman). Those requesting an extended time period understood that consultation would begin after written feedback had been received by the Committee and responded to with a revised draft. As I reminded you in my letter of November 3, 2014, on October 17, 2014 the UNB.ca website said the following:

During this initial period of consultation, lasting approximately six weeks, the Committee is seeking written comments, feedback and advice. ... **After that period**, there will be a further round of consultation with the university community and the public through various meetings and town halls. [emphasis added]

Similarly, according to *The Brunswickan* of October 1 2014,

[o]nce the public has a chance to read the documents and provide their feedback, the review steering committee **will go over it and present a new proposal for face-to-face consultations** that are set to begin in Jan. 2015. [emphasis added]

Instead, the chair of the Committee has undertaken to offer town halls before written feedback is received, with no further consultation period. Clearly the process was collapsed, not extended as the Senates and others had requested. We would note here that the Saint John Senate, in its most recent meeting, on February 18, 2015, took the step of passing a *second* motion recommending to the Board that the consultation period be extended.

We remind you that, despite claims by the Committee that there was consultation with the university community before the revision process was announced in January 2013, no such consultation took place, at least not with duly constituted bodies such as the Senates, the student governments or AUNBT, nor with the wider university community. Some of the information sessions were hastily convened and truncated, and it is difficult to see how sessions largely comprised of a presentation by the chair of the Committee constitute meaningful consultation. If the revised Act is to be brought before the Board at their scheduled meeting of April 16, there will be no time for the university community to provide feedback on a second revision.

Finally, and most importantly, no date is set for Senates to receive and review the material. Indeed, it is difficult to conceive of how Senates could review the document within the Board's timeline because they usually do not meet in April and the May meeting is primarily reserved for dealing with routine Encaenia-related matters at a time when many faculty members attend conferences or have begun their summer research and students are no longer on campus. President Campbell is on record several times as saying that he cannot imagine the draft proposal going to the legislature without the approval of Senates, notwithstanding the repeatedly stated position of the Committee that Senates have only a recommendatory role. The Committee's timeline fails to reflect the importance of the role of Senates in university governance. Even if there is an as-yet-unannounced plan to call a special meeting of Senates, such a meeting would be difficult to attend and certainly difficult to prepare for, at this particularly busy time of the academic year. We feel it would be disrespectful to expect Senators to digest and then debate such a complex document within a few days, and on short notice. The Board of Governors needs to take into account the schedule of the academic year in its interactions with the university community, especially faculty and students, if it wants to claim that it has consulted them.

You will be aware also that AUNBT members have collegial rights pursuant to Collective Agreements that are linked expressly to the Act. AUNBT has a legal duty to protect the rights of

its members. That is why we are in the process of preparing a detailed response to the draft issued by the Board's Committee.

AUNBT has had serious reservations about this latest plan to rewrite the UNB Act since we learnt of it, and the way in which the process has unfolded, and particularly what we see as haste to bypass genuine consultation and rush to the legislature, has only deepened our concern. We urge the Board to reconsider their timeline and request a reply to this letter at your earliest convenience.

Respectfully,

A handwritten signature in blue ink that reads "Miriam Jones". The signature is written in a cursive, flowing style.

Miriam Jones

President

miriamjones@AUNBT.ca

cc. Ms. R. Fairweather, Chair, UNB Act Revisions Steering Committee
Dr. H.E.A. Campbell
Members, UNB Board of Governors