

June 9, 2015

Hon. Stephen Horsman
Deputy Premier, Minister of Justice
Chancery Place
P. O. Box 6000
Fredericton, NB
E3B 5H1

Hon. Francine Landry
Minister, Post-Secondary Education, Training and Labour
Chestnut Complex
P. O. Box 6000
Fredericton, NB
E3B 5H1

Dear Minister Horsman and Minister Landry,

I write on behalf the Association of University of New Brunswick Teachers (AUNBT), bargaining agent for full-time and part-time academic employees of the University of New Brunswick. As you know, the UNB Board of Governors UNB Act Steering Committee published a draft revision of the *UNB Act* in September 2014. The draft revision included removal of all legislative oversight provisions, removal of legislative protection for the existence and functions of the Senates, and other radical changes. We wish to thank the Province for informing the UNB Board that the *UNB Act* is a public act and any changes accepted by the Legislative Assembly for consideration would be dealt with in accordance with the procedures for public acts. In light of this information the Board Steering Committee engaged in a consultation process.

During the consultation process the draft revision was opposed in detail by the UNB community broadly defined, but in particular by the Senates, many Faculty Councils, and by AUNBT. In particular, AUNBT formed a task force which, over several months, drafted an alternative, modest revision. Our proposal, while not intended to be complete or final, was well received by the UNB community during our consultations.

In response to the many criticisms it received, the Board Steering Committee issued a second, much more limited proposal in April 2015. It included a small number of relatively benign and even necessary changes, which were deemed acceptable by all parties, including AUNBT. However, as in their September 2014 proposal, the April 2015 proposal included removal from the *UNB Act* the requirement for approval of the Lieutenant-Governor in Council for land transactions. It is the position of AUNBT, communicated in writing to the Board Steering Committee, that this and other legislative oversight provisions in the current *UNB Act* are necessary for the protection of the public interest and should be retained. AUNBT also provided the Board Steering Committee and all members of the Board with a written summary of legislative oversight provisions in the acts of incorporation of provincial universities in other provinces, showing clearly that the oversight provisions in the *UNB Act* are similar to those in the acts governing universities with similar histories and roles in their respective provinces.

When the April 2015 proposal was brought to the Fredericton Senate on May 18, 2015, Senate fully supported the benign provisions of the proposal but did not support the proposal to remove legislative oversight over land transactions (contained in Sections 13 and 14 of the *UNB Act*). In fact, a motion was made to table that part of the proposal until the Board of Governors Properties Committee could study it with a view to developing a 10-year plan for dealing with matters related to UNB's land holdings and transactions. Such long-range land use plans are legislatively required in Alberta under the *Post-secondary Learning Act* and the associated Land Use Regulation. That motion was supported almost unanimously, with only two Senators opposed. Among those voting in favour of the tabling motion were several members of the Board of Governors.

Unfortunately, when the Board of Governors met the next day, May 19, a majority voted not to respect the wishes of the Fredericton Senate and a great many members of the UNB community, including AUNBT. This majority Board decision was confirmed on June 8, 2015 in a reply to our written request for information by the Board chair, Ms. Kathryn McCain. As a result, the Board may now instruct its representatives to transmit to the Legislative Assembly for enactment the Board Steering Committee's April 2015 proposal in its entirety, including the proposed amendment to remove the parts of Sections 13 and 14 which require approval of the Lieutenant-Governor in Council for specified land transactions. We are now writing, therefore, in the first place, to inform you of these events and, secondly, to express our desire to take part in any legislative committee hearings or other processes if and when the Board of Governors brings its proposal for revisions to the *UNB Act* to the legislature for consideration.

The following links¹ will direct you to documents we have produced and publicly distributed over the past 10 months about the *UNB Act*, the process around the proposed revisions, and the importance of this legislation to the UNB community and to the people of New Brunswick.

I would very much look forward to the opportunity to meet with you to discuss these matters.

In closing I request on behalf of AUNBT and all interested members of the UNB community, that when the Board of Governors submits any amendments or revisions to the *UNB Act* for enactment, AUNBT, the UNB community and the public at large be notified so as to provide an opportunity to make representations to the Legislative Assembly.

Sincerely,



Allan Reid
Chair, AUNBT UNB Act Task Force
AUNBT President

Cc: David Coon, MLA
Trevor Holder, MLA
Tom Mann, Deputy Minister, Post Secondary Education, Training and Labour

¹ https://aunbtweb.files.wordpress.com/2014/08/unb_act1.pdf

<https://aunbtweb.files.wordpress.com/2015/04/aunbt-task-force-statement-on-legislative-oversight.pdf>

https://aunbtweb.files.wordpress.com/2015/04/what-we-could-have-lost_final_150421.pdf

<https://aunbtweb.files.wordpress.com/2015/05/aunbt-response-to-unb-act-2-discussion-draft-08052015.pdf>