



Second Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

Standing Committee

on

Law Amendments

Chairperson
Mr. David Newman
Constituency of Riel



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Friday, October 25, 1996

TIME – 10 a.m.

LOCATION – Winnipeg, Manitoba

CHAIRPERSON – Mr. David Newman (Riel)

ATTENDANCE - 10 – QUORUM - 6

Members of the Committee present:

Hon. Messrs. Cummings, Gilleshammer, Mrs. McIntosh, Mr. Pallister

Ms. Cerilli, Ms. Friesen, Mr. Maloway, Ms. Mihychuk, Messrs. Newman, Pitura

APPEARING:

Ms. Diane McGifford, MLA for Osborne

WITNESSES:

Mr. Robert Chernomas, Manitoba Organization of Faculty Associations

Ms. Sara Malabar, Manitoba Young New Democrats

Mr. Ed Janzen, Private Citizen

Mr. Michael Amirault, University of Manitoba Student Action Coalition

Mr. Henry Heller, Private Citizen

Ms. Sarka Laznicka, Private Citizen

Mr. Brian Kelcey, Manitoba Taxpayers Association

Ms. Jennifer Nembhard, Private Citizen

Mr. William Martin, Private Citizen

Mr. Mark Gabbert, Private Citizen

MATTERS UNDER DISCUSSION:

Bill 32—The Council on Post-Secondary Education Act

Mr. Chairperson: Good morning. Will the Standing Committee on Law Amendments please come to order. The committee will continue with consideration of Bill 32, The Council on Post-Secondary Education Act.

Previously this committee had met on October 21 and October 23, 1996, to hear presentations, and this morning we will continue with hearing presentations to Bill 32.

I would just like to remind all present that it had been previously determined in the committee that a 10-minute time limit will be allotted for each presentation, to be followed up by a five-minute period for questions and answers. Those are maximums not minimums. It had also previously been decided that if a presenter was not present when called, his or her name would drop to the bottom of the list, with the name to be dropped off the list after being called for a third time. The list of presenters has designations to indicate presenters who have already been called and the number of times called.

Just as a reminder to those presenters wishing to hand out written copies of their briefs, 15 copies are required. Should assistance be needed in making these copies, please contact the Chamber Branch personnel at the table at the rear of the room and the copies will be made for you.

We will now continue with the hearing of presenters.

Ms. Diane McGifford (Osborne): If I could bring something to your attention, Mr. Robert Chernomas from MOFA has asked me if I could pass along a request to you that he be allowed to speak early this morning, perhaps first, because he is the president of the Manitoba Organization of Faculty Associations and he has a commitment, child care and teaching commitments, and it would enable him to fulfill those commitments if he could go earlier.

Mr. Chairperson: Is he present now? Yes. Is there leave of the committee to have Robert Chernomas proceed first?

Some Honourable Members: Leave.

Mr. Chairperson: Leave is granted. Robert Chernomas, you may come forward and make your presentation. You may begin your presentation, doctor.

Mr. Robert Chernomas (Manitoba Organization of Faculty Associations): Thank you for giving me this opportunity. I am going to be very brief, actually, and what I want to emphasize is that in the hearings that I have attended so far, the honourable minister has suggested that it is difficult to discern why The Council on Post-Secondary Education Act and the UGC are qualitatively different, why one gives the government more authority than the other. I want to address that, as I said, very briefly, and then I want to suggest some possible ways of making the two more compatible, that they might not be quite as authoritarian.

If one reads, and I will be very brief here once again, Article 4 in the COPE document, it says, "In carrying out its mandate, the council shall operate within a framework of accountability established by the minister, who may give the council general direction on matters that relate to its mandate and that are, in the minister's opinion, of significant public interest but not limited to, (a) priorities the council should follow; and (b) co-ordination of the council's work with the programs, policies and work of the government."

What I would suggest is that is different from UGC. There is no parallel UGC argument. Then I would go to the current COPE document and point to 14(2) and 14(3), and in 14(2) and 14(3), it says, "A university or college that wishes to establish, expand or reduce a program of study, service or facility involving money at the disposal of the council shall . . . obtain the council's written approval." Then in (3), "After advising the minister, the council may grant an approval under subsection (2) for a limited period or may impose other terms and conditions on an approval, and a university or college shall comply with any terms and conditions that are imposed."

I guess what we are arguing is, if you put those two together then the COPE document is qualitatively different from the former UGC document. It is different to be able to impose unspecified terms and conditions in an expansion. A university can refuse these terms or conditions if it violates academic standards and priorities. It simply does not get the new program. To impose unspecified terms and conditions in a reduction, particularly if the government is cutting funding to the universities, is to enable the government to reorganize the existing university to meet its agenda, and if Bill 32 is

passed without amending 14(3) in particular it would enable the next government to reorganize it once again.

I think we would argue, and I am here representing 1,600 faculty members of the four universities, that programs, departments, libraries and faculties cannot be started, stopped and started again and expect continuity, reputation and quality to be maintained. If the government now feels it is necessary to acquire the power to prevent the university from reducing a program, and that is different from the UGC, and the honourable minister acknowledges that, that is one level of influence. To say no is different, I would argue, from saying to the university that here is how you will do it, here is the programs and resource allocation that will exist if there is a reduction. That is qualitatively different.

* (1020)

To be able to impose unspecified terms and conditions in a reduction is to enable the government, and succeeding governments, the power to determine and politicize the organization of Manitoba universities. Cutting libraries, graduate students, faculty and staff is not the equivalent of refusing to add them or where and how to add them. I am going to suggest a solution to this, one that comes out of our document, and it is on page 9 in our document. We highly recommend the government, in the spirit of consensus building and its commitment to the future reputation and quality of Manitoba universities, to modify Section 14(3), page 9, and that modification would be, as in our document on page 9: "After advising the minister, the council may grant an approval under subsection (2) for a limited period." And the COPE document should stop there.

So, in a downsizing, in a reduction, what would happen at that point is the unspecified terms and conditions would not be imposed, but the government would have the power to deny the universities a reduction in programming, but it simply could not then impose unspecified terms and conditions.

I think that is the key difference. UGC said, you need permission to expand; the COPE says, you need permission to expand or reduce. That is one sort of government—how do I say this?—intervention. That is very different from unspecified terms and conditions in the down side. So, if we simply eliminate it in 14(3),

after the words "limited period," then we would be less concerned about the degree to which the government has authoritarian power.

In this way, I would argue, the government could at once pursue its interests and yet maintain the delicate balance between government priorities and institutional autonomy and national image and national status which would be threatened, I think, by the remainder of 14(3).

I would just add a few small points to this, also having to do with our amendments, and that is I would ask how could it hurt to reassure the community of your commitment to institutional autonomy by adding our amendment to the preamble which is on page 6 of our document which simply says: Whereas the creation and sharing of knowledge is contingent on the securing of institutional autonomy, academic freedom and collegial decision-making arrangements.

It seems to me that this would be an easy thing to do because a preamble is a place where there is a kind of philosophical perspective laid out, so we would suggest that as a second amendment, and I realize the government has made other amendments which we are cognizant of and we think they are well thought out.

Finally, one more comment, and that is just to the make-up of the council. To add elected members of the university community would be both more democratic, we would argue, and assure representation for the community to be regulated. As for stakeholders and special interest groups, which I think is the argument against electing members of the university community—and, of course, our document makes it clear that it would more likely than anybody else be students that would be elected to the actual COPE, the council itself—we would argue that there are always special interest groups. In fact, the members who are going to be chosen on the COPE will likely be special interest groups. If you invite business people onto the COPE, are they not likely to want the university to provide them with subsidized employees in the future?

So all we are suggesting is, is not that we dominate the COPE, not that we have a majority on the COPE. Ultimately, it is the minister that has influence and creates the priorities for the COPE, but at least it would be special interest groups across the board representing

both the university's interests as well as the community's interests.

So our third proposal out of our amendments—and we have more amendments. The ones I am emphasizing would be on page 7 of our document. That would be to modify Section 5, and there it would say: The council is to consist of 14 members. One member will be elected by and from senates or college councils at each of the seven post-secondary institutions in Manitoba for a total of seven members. An additional seven members will be appointed by the Lieutenant-Governor-in-Council in consultation with each of the seven post-secondary institutions in Manitoba.

All I am saying there, once again, it would seem to be that it would be more democratic and more representative. I am going to stop there.

Mr. Chairperson: Thanks for that presentation, Doctor.

Hon. Linda McIntosh (Minister of Education and Training): Thank you very much, Professor, for your brief and I appreciate the thought and the care and the genuine concern that you approach this issue with.

I just wanted to ask for clarification. You are recommending altering 14(3) Terms and conditions and indicating that what is in the UGC right now is more mild than what we have put in 14(3), but are you aware that 14(3) is an amalgamation of 14 and 16, and in the UGC, in addition to all the other things 16 provides, we have removed this clause, and I will read it and then ask you if in your opinion it is more strong or less strong than what we intend to replace it with.

Section 16 (3) in The Universities Grants Commission Act says: "The commission 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 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; and the university or college, as the case may be, shall comply with the requirement."

That is in addition to the clauses also in the UGC 16(2) which says: An approval granted by the commission

under this section may be granted on terms and conditions, et cetera, and the university or college to which the approval is given shall comply with any such terms or conditions, which also is followed by 16(1) in the Universities Grants Commission which says: that before a university or college establishes, offers, provides or creates any new service, facility or program of studies, same wording, it shall obtain the written approval of the commission, the only difference being that we have put in the word "reduce" as well as "establish, expand," et cetera, because right now according to the way The Universities Grants Commission Act is worded, the only way a university or college could ask to reduce—well, they could not. There is no provision for it. So we have enhanced it by saying they can also request that.

There is no provision for a university to ask that, but in the current act there is authority for the commission to wipe it out if—just in their opinion, without any consultation, nothing. I am just wondering if you feel that what we are removing is less strong than what we are replacing it with.

Mr. Chernomas: I would like to answer that in reverse order. I would say that in 16(1), of course, it talks about expansion, and you just said that the university could not reduce a program but, of course, it can. What you are asking for now is them to get permission to reduce a program. The universities before this could reduce a program. The government has decided it wants to be part of a reduction. Okay. But I want to make it clear that that is different. It is adding government power that it did not have before, good or bad.

Second point. In terms of imposing terms and conditions in 16(2), that is only in the UGC in an expansion. I think that is qualitatively different; 16(1) follows 16(2) and there you can impose terms and conditions in an expansion. A university, if it feels that somehow or other the government or anybody else that wants to impose rules and regulations on its academic programs and priorities, its standards and policies, the university can refuse to have the program. It is very different from imposing terms and conditions if a program is to be cut.

The concern is, does that not give the government the power to reorganize the inside of universities? On the up side we can say no; on the down side, what happens? If

we want to cut a program, let us say, because you have given us less funding, we need to cut some programs. Your terms are so unspecific, so general, that it is our sense that one government could come in and say, okay, we are reallocating money from arts to management; the next one can come in and reorganize money from management back to arts. Universities cannot run that way. It seems to us that gives you that sort of power.

I would answer the third part unless you want to—

* (1030)

Mrs. McIntosh: I am particularly interested in your commentary on 16(3), because 16(3) in The Universities Grants Commission Act indicates why "reduce," I think, was never in 16(1) and (2). 16(3) gives the commission unqualified authority to say stop providing that program. It did not need approval or dialogue on reduce before; the Universities Grants Commission had absolute authority to just simply say, in our opinion there is no justifiable substantial justification for you to continue this program; therefore, you must cease to offer it and the university has to comply. So I am particularly interested in 16(3), why you would think that, which in my reading seems to be much stronger than what we have replaced it with, why you would think the reverse.

Mr. Chernomas: In 16(3), I would say a number of things. First of all, 4 has to be connected. In this case, it is the government's—unlike the UGC, the government did not have priorities in mind. It did not have a specific set of interests in university, and in 16(3) it is concerned about redundancy and duplication. In this case the government has made it clear that it has certain interests. That makes something other than duplication the possible reason for declaring a program redundant. I would also add that here it says substantial justification. Substantial justification having to do with the duplication or redundancy is one thing, meeting government priorities, which is in 4, is a different sort of justification. So I think it is a concern.

Mrs. McIntosh: Can you explain to me then—I appreciate what you said, but if you look at 4 which says, the minister, under very strict confinements, can give broad general direction on matters of significant public interest that relate to the council's mandate, not the universities but the council's. But 4, of course, is

absolutely limited by 3(2). 3(2) is placed before 4 for very obvious reasons in that 3 spells out the limitations on the minister's ability to be able to communicate with the universities, and then it says, in that, that the council, no matter what broad general direction the minister may wish to provide, the limitations are that the council cannot interfere, may not interfere with basic rights to formulate academic standards—and we are putting in the words “and policies” because this was in the Universities Grants Commission and people seem to want it back in; it is no problem to put it back in; we will put it back in—the independence of the university or college in fixing standards of admission of graduation, the independence of a university or college in the appointment of staff.

I can tell you that (c), the ability to decide how many staff, which staff or indeed any staff be appointed to a program of study, gives absolute control over which programs of study will exist or not exist simply by the appointment of staff. How does—

Mr. Chairperson: Time is up. Is there leave to extend the time?

Mrs. McIntosh: Please, I would like to hear his answer. Leave.

Mr. Chairperson: Is there leave? [agreed]

Mr. Chernomas: My turn?

Mrs. McIntosh: Yes.

Mr. Chernomas: I think we have got to the heart of the matter here. I think we really have. 3(2) says the following: “Subject to the power to regulate programs under section 14, in carrying out its mandate, the council may not interfere with.” So it is true that 3(2) dominates 4, but 14(3) dominates 3(2), and that is the heart of our concern about the authority of any government, yours or the next government, to basically reorganize a university. If you can impose unspecified terms and conditions, does that not mean that you could close libraries, eliminate staff, graduate students, faculty? It seems to us, you know—and we have all kinds of people analyze this legal opinion, other people analyze this. The opinion is, universally, that because subject to 14, and 14 dominates 3 which dominates 4, that is why 14(3) is what worries us the most.

Mrs. McIntosh: We have different lawyers, different legal opinions. I wish we had more time to debate this. We will have to agree to disagree and our legal opinions will have to agree to disagree with each other, but I appreciate your perspective and I understand your basic principle is you do not wish to see the ministers doing micromanagement of universities. I state for the record that the intent in drafting this bill—and I am told that intent stated in the record at the time of a bill being heard can be used by lawyers for interpretation of the bill, so I state here and now that it is not our intention to micromanage, so anybody wanting to interpret this bill can read this Hansard and take that interpretation.

Mr. Chernomas: Could I ask one question?

Mr. Chairperson: Is there leave of the committee for him to pose a question? [agreed]

Mr. Chernomas: Is the minister telling us then that under 14(3), it is not the government's ability or intention in any way to impose conditions that would mean the government could call for closing libraries, laying off faculty members, laying off graduate students because they do work for us at the university? Is that what the government is saying to us under 14(3), that these unspecified terms and conditions are not something that mean that you could micromanage a university, the government would not impose anything that would lay off faculty members or close libraries or computer centres or anything else because the program is no longer something the government sees as useful?

Mrs. McIntosh: Mr. Chairman, I know that we had the brief from the faculty saying that this means that we could dictate library hours and library services, and I will just use that for an example, by way of an example, because each thing that comes before the council or before the universities will require case-by-case decision making.

But using that example that was put to us in writing by those concerned, would the government intend to—say, for example, that if the university wanted to close the library for two hours on a certain day that they would have to apply for written approval from the commission, I say to you, no, but the council might feel that they would have some comment that they might like to make although with no authority to dictate on whether or not they wanted to close down a library completely.

But in terms of micromanagement, which would be the extreme example that was presented to us as a possible reality out of this act, that people would have to apply to the university to close the library for two hours on a specific day, no. Closing an entire university library, that is something they would have to decide on a case-by-case basis because the council may well feel that they should make a comment on that.

Mr. Chairperson: Thank you very much for your presentation, professor. I am afraid your time is up.

An Honourable Member: I did not have any time.

Mr. Chairperson: I am afraid the time is up for this presentation. You will have time during clause by clause.

An Honourable Member: We lost 20 minutes waiting for your members to appear for committee.

Mr. Chairperson: Sara Malabar is next on the list. You may begin your presentation, Ms. Malabar.

Ms. Sara Malabar (Manitoba Young New Democrats): Thank you. Good morning. First off, I just want to make a note that the reference to yesterday is a reference to Monday the 21st, just because it has been so long since I first wrote it.

I am speaking on behalf of the Manitoba Young New Democrats today, and we must preface our comments by saying that we recognize that the way in which the province's university system is organized must be changed. Any student would be able to list off a number of grievances that could be prevented with greater coordination between the respective schools. To this end, we appreciate at least some of the intent of Bill 32. However, we feel that Bill 32, The Council on Post-Secondary Education Act, opens the door to a myriad of potentially damaging consequences for Manitoba students, and so we have come to speak against the bill.

We feel that it is imperative that we respond to some of the comments made by the Minister of Education, Monday, October 21, both in the Assembly and to the media. The minister seemed to be under the impression that the Path to Excellence was the definitive voice of students on the matter of education. We would like to remind the minister that this document was written by the

executive of the University of Manitoba Students' Union, which is only one small group of students from one Manitoba university.

There are thousands of students in Manitoba that had nothing to do with the Path to Excellence, thousands who have never read it and thousands who have never even heard of it, so to refer to it as a definitive voice seems naive.

The minister may be unaware that generally speaking, in a students association election, anywhere from 3 to 17 percent of the student population will vote, making the chosen executives an unreliable source for the student opinion no matter what their politics are.

For example, at the University of Manitoba, only 918 students of the 21,000 total student body registered their support for the current student government. Finding the true diversity of opinion may require a little work, but it is work we hope a government would be willing to do when playing with our future.

Because of the number of presentations on Bill 32, we have chosen to speak only to two sections of it, Section 5(1) and Section 11(b).

Section 5(1). In regard to this section, we join with the Manitoba Organization of Faculty Associations in asking that the council be expanded to include one democratically elected person from each of the seven post-secondary institutions. We also join with the Canadian Federation of Students in asking that the council be expanded to include three democratically elected student representatives. We hope that it goes without saying that those appointed to the council should be familiar with the post-secondary education system.

In addition, we would not be NDP if we did not ask that there be some effort made to ensure that the council has gender parity and represents a cross-section of Manitobans including youth, First Nations people, new Canadians, rural Manitobans, et cetera.

Section 11(b). In this section, we find the most troubling part of this legislation. It is here in two simple words that we find most of the fear around the implementation of this council. Those two words are "determine priorities" and the crux of the fear is the

definition of priority. Priorities are subjective. If a given council decides that our priority is tailoring the university system to the Manitoban job market, we could find ourselves in a situation where our post-secondary institution becomes one big community college, thereby rendering diplomas received in Manitoba essentially null and void in the international community.

The actions of this council could go a long way towards severely affecting the career mobility of graduates of Manitoba universities and colleges. The number of different scenarios that could result from decisions being made on subjective criteria are limitless. Therefore, we request that some definition be attached to the word "priority." Whose priorities are we talking about—the students, the faculty, the ministers, the business community?

* (1040)

It is also in this section that we find reference to ending the duplication of service between the various post-secondary institutions. It is this section which could result in the elimination of whole departments, which essentially erodes the whole principle of a liberal arts education, that principle being the opportunity to take courses from a number of departments to acquire a broad-based education.

Perhaps you will tell us that this new council would make it easier for us to take courses at another institution that integrates with our degree. To this we must speak to accessibility. We find ourselves in a constant state of reminding this government that there are poor people in this province. I personally know many students who walk to the University of Winnipeg every single day. Going to the University of Manitoba for courses is not an option. They simply cannot afford the bus fare or the time it would take to commute between campuses.

Generally speaking, this bill seems to contribute to the Progressive Conservative's misguided war against our university faculties. The Filmon government remains embarrassed by the fact that its credibility was undermined during last year's University of Manitoba Faculty Association strike. One may recall that during last year's UMFA strike this government attempted to erode academic freedom through the collective bargaining process. This move brought a stern rebuke from a noted

Harvard university professor who remarked that an erosion of academic freedom would result in University of Manitoba degrees being regarded as unfavourable in the academic community.

The proposed bill is simply an attempt to legislate what the collective bargaining process could not accomplish last year. With Bill 32, the government negates the power of the respective university senates to govern the operations of the institutions. Firstly, the bill eliminates the Universities Grants Commission and places operations of the university budgets in the hands of the Treasury Board. To place control of budgetary operations into the hands of government bureaucrats instead of the university community goes a long way towards undermining the concept of academic freedom and negates the credibility of our schools.

The shift in power to the Treasury Board will result in the determining factor in the financial decision-making process being the monetary bottom line rather than the well-being of the institution, academic integrity, the quality and independence of research and the community as a whole.

From the outset the reform of post-secondary education in this province has had the interests of the business community in mind. The Roblin committee, which formed to study the issue in 1992, featured Kathleen Richardson and a representative from the de facto governors of this province, Great-West Life President Kevin Kavanagh. When handed the opportunity to formulate the province's education policy, these business leaders came back with Bill 32, which could result in the tailoring of programs offered by Manitoba universities to the needs of business, sparing them the expense of investing in training and development.

The logic of cloning the Manitoba student to suit the needs of a business community that considers a \$300-million investment in a hockey team a good way to promote economic development escapes us.

When we told students on campus that we would be speaking here today, they had a few messages they wanted us to deliver.

Melanie Silver is graduating from the University of Winnipeg this year and is worried that her degree will be

devalued, especially in a national context. Catherine Johansson foresees as many youth leaving Manitoba to go to school as are leaving to find work. Chad Samain came to Manitoba to get a degree with the intent of leaving once he had it. He is worried about the value of his degree in a national context.

But there was one message that came through the loudest, and that is, let us amend it. On the positive side we must congratulate the minister for inadvertently causing solidarity between students, faculty and administration in the university community, a Herculean task when one considers how fractured these relationships were at this time last year. To this end, we ask the minister to consider that when legislation causes concern to every part of its constituency, it requires amendment. We encourage the minister to listen to the people's voice regarding this legislation. Thank you for your time.

Hon. Brian Pallister (Minister of Government Services): Thank you for your presentation. In your preamble you make efforts to emphasize the lack of involvement by the student body in the selection of the UMSU executive and emphasize, I believe you say here, 3 percent to 17 percent of the student population would participate in those elections. I gather you are implying that the voice of the students union selected in that manner, their opinions should be tempered by that fact?

Ms. Malabar: Yes. It is not just at the University of Manitoba, it is also at the University of Winnipeg, and that is where that comes from. Last year I believe we had 17 percent; years before we have had 3. So really to view the people who are elected as the voice of students is not really—they are not. They are the voice of whoever elected them, which is some fraction of the or 17 percent who voted for them.

Mr. Pallister: Ms. Malabar, in Section 5(1) you propose that there be democratically elected student representatives. How do you propose to make those democratically elected student representatives more representative of the views of the university than the UMSU democratically elected representatives in the university student council?

Ms. Malabar: I think, despite the fact that they are not elected by a majority of students, it probably would have to be in terms of those three elected positions. We would

have to turn to the student governments because it would be too much trouble to try and elect students outside of that. I would personally, and I think, add that maybe a representative of the Canadian Federation of Students be on, whether or not they are in an elected position, but somebody who represents the Canadian Federation of Students and then if the other body of students, the other student groups—I cannot remember what they are called right now but there is an alternative to Canadian Federation of Students—if they felt that it was imperative for them to have a voice on the council as well that may be necessary. It would be a voice that probably cancelled each other out on a regular basis but that is how I would go about trying to guarantee that the voices were more diverse.

Mrs. McIntosh: I guess I am picking up on the same point that my colleague did. It is not a point I care to pick up on, but you have stressed it as a major point in your brief and so I think we are compelled to pick up on it.

You had indicated that because only 918 people voted in the UMSU election, we should not pay attention to their overwhelming, resounding support for this bill. I presume then, since the leaders of all the student associations got together and came to me and presented a document which began with the statement, we resoundingly endorse the basic principles of this bill, and then requested three minor amendments which we are granting them, that we should also not have paid attention to them. I would also ask then, since the Canadian Federation of Students representative was elected by far fewer votes than those that elected the UMSU president, that we should discount Elizabeth Carlyle's presentation, on your rationale. Could you comment on those questions of mine, please?

Ms. Malabar: I am not saying that because 918 students voted for them that their voice does not mean anything. I am saying that it does not mean that it is the definitive opinion. Certainly, it is some people's opinion but it is not everybody's opinion, so when you speak to saying students think this, it is pretty clear that students do not because even if one or two students do not think it, you cannot speak that the whole community of students speaks it. But I would never say that 918 student voices were not important, and I would probably even say that I am not sure that the 918 students who voted for them

have read a Path to Excellence or Bill 32 and are even sure exactly what is in it.

Ms. McGifford: Ms. Malabar, I understand that one of the advantages that the Canadian Federation of Students may have as far as representing student opinion over the UMSU people or over the University of Winnipeg Students Association is that it is representative of students from all Manitoba campuses. Is that correct?

Ms. Malabar: We have people—whenever a university belongs to the Canadian Federation of Students, they have one representative on the board, but there is also a Manitoba representative who represents all of the universities who belong to the Canadian Federation of Students and they try and communicate between them.

* (1050)

Ms. McGifford: Mr. Chair, if I am remembering the presentation from the Canadian Federation of Students, it would seem to me that their presentations, amendments, ideas, et cetera, are very similar to those in your presentation and also to what we heard from MOFA this morning. Is that accurate?

Ms. Malabar: Yes it is. We have been co-ordinating and reading things. We read Manitoba Organization of Faculty Associations' material. We read the bill and also Canadian Federation of Students. I think that we do agree a lot in terms of diversifying the council.

Mr. Chairperson: Ms. McGifford, probably your last question.

Ms. McGifford: You spoke about accessibility, and a number of people have spoken about accessibility to universities and generally stressed the financial aspects of accessibility. I wonder if you might address the issue of programming and courses? Are you worried? When you speak about accessibility, are you concerned that programs may become unaccessible or certain courses may become unaccessible as well as university may be unaccessible because of money?

Ms. Malabar: Yes, I am. I think that, as I said, the major reference is to priorities, and when we define priorities it is extremely subjective. So I am worried that programs could be cut because of the priorities of the

people on the council at the time which, as somebody stated in the bill, says will be appointed by the Lieutenant Governor but will most likely be recommended by the Minister of Education (Mrs. McIntosh). So it seems somewhat partisan, and I am worried about some programs being cut as a result of that.

Mr. Chairperson: The honourable minister, one minute.

Mrs. McIntosh: Thank you very much. You are aware that the new council is, for starters, a combination of the Universities Grants Commission and the Colleges Secretariat. The reason they are coming together in one body is to try to get the system working as partners with each other rather than as competitors. The Universities Grants Commission Council which currently governs the universities is a board of appointed—by Lieutenant-Governor-in-Council—qualified lay people. It was the decision of the government not to change that particular model because there have been no complaints about it in the decades past.

Do you agree that something that has worked well in the past in terms of format should continue or should it be changed?

Mr. Chairperson: Ms. Malabar, a short answer.

Ms. Malabar: I really cannot speak to it because I am not that familiar with the Universities Grants Commission because my involvement in this in the bill is very much grounded in being a student right now and reading through the bill, so I am not familiar with what it was before because it did not concern me before, just because I am a new student. But I am concerned now.

Mr. Chairperson: Thank you for your presentation.

Ed Janzen. Welcome. You may begin your presentation, Mr. Janzen.

Mr. Ed Janzen (Private Citizen): Thank you. I would like to thank each member of this committee for allowing me to air some concerns I have regarding Bill 32. As an alumnus of the University of Manitoba and an employee both of the Manitoban, the U of M student newspaper, and the U of M libraries, I feel compelled to address the menaced post-secondary education that this bill

constitutes. Matthew Arnold once said that no one ought to meddle with the universities who does not know them well and love them well.

The Council on Post-Secondary Education proposed in Bill 32 has unquestionably been designed to allow our government to meddle with Manitoba's education system. Regarding our universities, does our government know them well? More importantly, does it love them well? I insist that the Filmon government does neither. If such bad faith seem prejudicial to you, then consider the Progressive Conservatives' sordid track record on post-secondary education. If the current hardships being felt by universities are a result of cuts to federal transfer payments, then why has the provincial government never undertaken to protest the cuts and restore transfer payments to their original levels? I have heard nary a whisper of protest over the matter from the Progressive Conservatives. Could that be because the Progressive Conservatives wish to weaken Manitoba's universities?

You may also remember the case of Professor A.G.W. Cameron of Harvard University's Center for Astrophysics, a U of M alumnus. Professor Cameron wrote that university's administration a letter during our faculty strike last year, defending academic freedom and harshly criticizing the administration's stance during the strike. In response, Premier Filmon wrote the president of Harvard, Dr. Neil Rudenstine, expressing his, quote, disappointment over Professor Cameron's actions.

I submit to you that this strong-arm tactic against Professor Cameron, going over his head as it were, represents just how well our government loves its universities. The fact that Premier Filmon refers to Professor Cameron's department improperly as the department of astrology instead of astronomy represents how well our government knows its universities. Matthew Arnold would be appalled.

I must also mention the case of Premier Filmon's Minister of Agriculture, Mr. Findlay. His given name escapes me, but he is the father of Keith Findlay who sits on the U of M's board of governors. You may recall the elder Findlay's disagreement with an agriculture professor at Brandon university who criticized the government's—that should read “agriculture policy”—whereupon Mr. Findlay wrote a letter to the president of the university expressing his concerns. I never heard what resulted

from Mr. Findlay's tacit threat, but that it was made is shameful enough.

Bill 32's Preamble makes much of the need to ensure Manitoba's, quote, social, cultural and economic well-being; and, quote, to promote excellence in the post-secondary education system. In a stroke of humourless irony, these are the same things that Bill 32 seeks to undermine.

Bill 32 compromises academic freedom. In a cynical betrayal of the university's historical role, Section 11(b)(i) allows the Minister of Education to “determine priorities in the provision of post-secondary education,” an area of decision making in which the minister has no business interfering.

Section 11(b)(ii) enables the proposed Council on Post-Secondary Education to “allocate funding” to universities “with a view to avoiding unnecessary duplication,” a concept that is rather specious in itself.

If the decisions allowed by Section 11(b) were made by a collegial body of academics, I would not object to this section of the bill, but the proposition that they are to be made by a council appointed by the government is loathsome indeed. Universities in Nazi Germany and communist eastern Europe must have faced similar problems.

Little is said about what the council's powers and duties are designed to achieve. If overbearing behaviour, however, is so clearly characteristic of our government's attitude to post-secondary education, then what can we expect from Bill 32 except arm-twisting, abuse and coercion. It seems that Manitoba's post-secondary education system may come to be seen by outsiders as merely a great display of posturing, making possession of one of its degrees into an embarrassment, a spurious pedigree indeed. I might even feel disposed to give mine back on principle. Perhaps I could sue the provincial government to compensate for the damage to my academic reputation.

Bill 32 is replete with clauses strengthening the government's ability to meddle in the affairs of the university, peppered with phrases like “review and evaluate post-secondary programs . . . develop policies for specialization” and “establish policies for tuition

fees." The changes indicated are sweeping. If, in an election, I ever have to choose between the Filmon team and the A-Team, I would definitely choose the latter. The A-Team always supports the underdog and its submarine-toting modus operandi is a lot subtler than Bill 32.

I wish to remind the members of Manitoba's Progressive Conservative government sitting on this committee of the true value of universities. While they do possess an economic value, it is foolish to assume, as Conservative thinkers often do, that the value of a university is market-centred. The central feature of a university, like life itself, is not the market but a great social conversation of which the market is merely a part. The university is neither a business serving consumers nor a welfare program. It is a project which has been conducted and constructed over hundreds of years: the development of human conversation itself, a conversation that continues to evolve and unfold, that is the central reality of human truth and our existence as relative individuals under God.

The university engages in human conversation at a high level, a feature that sometimes distances it from the larger part of society, leaving it vulnerable to, quote, hot-button political attacks, perceived to occupy a so-called ivory tower. In reality, however, the university's detachment from society is a necessary component of the academic life. It provides intellectuals and academics with the haven in which they can refine their critical abilities and give society some direction that is not reactionary or precipitous. It is easy to take the university for granted even though society has benefited enormously from its achievements as it continues to do.

I was 11 years old when Brian Mulroney became Prime Minister of Canada, so I have spent the better part of my life watching everything about my beloved country, including its education system, taken apart by neoconservative governments. The experience has been bitter, and yet, having studied history, I am not embittered by this neoconservative assault. As people grow angrier with conservative governments for the golems they construct to threaten their subjects, like Bill 32 for example, the conservatives grow lazier.

History shows how quickly things can change. Today's Conservatives should be warned. When they are old and doddering, dependent on others for almost everything,

will they then not have cause to fear when a new generation of the disgruntled controls the government? They will wish they had listened to Sun-Tzu, who, in his classic treatise on warfare, questions the wisdom of backing your enemies into corners. I am a forgiving person and I am prepared to be satisfied by the receipt of an apology from the Progressive Conservatives together with the restoration of the civilized society they sought to destroy.

* (1100)

I am sure many others, however, will not settle for so little. Ontario Premier Mike Harris already surrounds himself with bodyguards and travels in an armoured van. The Judeo-Christian God claims vengeance as his own, but how often is his vindictive property borrowed by men. Maybe this contradiction is but one more of the mysterious ways in which God is said to work.

I implore this committee to hold back the neo-conservative tide, for once, for all our sakes. You are already familiar with the University of Winnipeg Faculty Association's amendments to Bill 32. If you want a peaceful future and a prosperous society, then begin to create it by accepting those amendments. Bill 32 as it currently stands is a complete disgrace. Thank you.

Mr. Chairperson: Thank you, Mr. Janzen.

Hon. Glen Cummings (Minister of Environment): I just noticed that Mr. Janzen seems to have taken some umbrage with the Findlay family. I wonder if he is also aware that Mr. Findlay is a one-time professor at the University of Manitoba.

Mr. Janzen: Which Findlay?

Mr. Cummings: The senior Mr. Findlay.

Mr. Janzen: I did not know that.

Ms. Jean Friesen (Wolseley): I wanted to ask you about access issues among students whom you are familiar with. I wondered if you could give me a sense over the last, say, eight or 10 years as to how universities have changed and whether in fact access is broadening for students in Manitoba, and do you see anything in this bill that could help to address that?

Mr. Janzen: I see little in the bill that could help to address it. As to what I have seen in terms of being a student at the University of Manitoba, I can definitely see access having been narrowed. Tuition fees have risen. From when I started at university, you could get a degree in the Faculty of Arts, or you could spend a year in the Faculty of Arts for a little under a thousand dollars, about \$900-something. Now perhaps the fee would be about \$2,500. I consider that to be a direct result of cuts to federal transfer payments and the lower levels of government's acceptance of those cuts.

Mrs. McIntosh: Thank you very much. Yes, indeed the senior Mr. Findlay is a Ph.D. university professor, so maybe some of us do have a little bit of love for the university, and I assure you I am one that has love for the university and the college, and I think colleges and universities do need to come together and start seeing each other as partners, which is the basis behind this bill.

I have two questions for you. It is clear that you are not a supporter or fan of the current provincial government, and that is fine. I wonder though in your critique, setting aside your own personal biases, if you have had a chance to compare the current act that governs the university, which is The Universities Grants Commission Act, and the new act which is a modification of it, to compare the two clause by clause and to see if, in your opinion, it adds to the authority which the people in this room believe or dilutes the authority which other observers have mentioned or simply shifts so there can be greater co-operation between colleges and universities. Have you compared The Universities Grants Commission Act clause by clause with the act, which is a modification of it?

Mr. Janzen: Yes, indeed, I have. I have read through both, side by side. I do not know if I would remember the specific clauses that I had a problem with except of course No. 11, certain things not being mentioned in the preamble ensuring the autonomy of the institution. I mentioned the changes proposed by the U of W Faculty Association and I do have those for reference if I need them, but I do not think I need to read them out to you.

Mrs. McIntosh: Those are the amendments. I am just asking, you do not have to remember the clause but what principle was in the Universities Grants—I do not mean word by word or clause by clause. Just in reading

through and comparing the two, you must have noticed some obvious differences. What are the obvious differences between the two acts, in your opinion, and why are those differences not good in your opinion? There are only two or three fundamental changes.

Mr. Janzen: Well, I think the most glaring one would be what Mr. Chernomas said, whom I was speaking to earlier, the increased ability of the government to reduce departments. I believe at one point there is the—

Mrs. McIntosh: That has been decreased. Sorry.

Mr. Chairperson: Please do not get in debate. Please continue.

Mr. Janzen: There is one section where the word “policies” was added in terms of what sort of agendas the government could set for universities. Previously that word was not included, and I feel that it contains a whole range of possibilities which are not adequately defined by the bill. Basically, the government has a lot more power in determining the future of the university and how it operates, and the obvious question which the bill does not itself answer is why, and that is where all of my negative doubts and bad faith come in.

Mr. Chairperson: Ms. McGifford, we have a minute and 10 seconds.

Ms. McGifford: I wanted to return to the questions of accessibility, and, actually, I asked Ms. Malabar about them earlier. You might have heard; I asked about the fear of diminishing opportunities within programs and courses. Is this fear one of the reasons behind the fear that degrees from Manitoba's institutions would not be respected nationally and internationally, that is to say, that the array of courses would not be available?

Mr. Janzen: That certainly is part of it. A greater part I feel of why degrees from Manitoba's universities would not be respected further abroad goes back to that word “policies.” You know, does that mean that the government can dictate, say, the university's sexual harassment policy or does it mean—I believe the example of libraries was brought up earlier in the last presentation. Does it mean that—

Mr. Chairperson: I am afraid time is up.

Mr. Janzen: Can I finish?

Mr. Chairperson: Is there leave to finish quickly? Leave to finish.

Mr. Janzen: Does it mean that the government could influence the university's policy of library acquisitions? You know, where has George Orwell gone?

Mr. Chairperson: Time is up. Thank you very much for your presentation.

Mr. Janzen: Thank you.

Mr. Chairperson: Lawrence Deane. Lawrence Deane. Lawrence Deane not being here, Lawrence Deane, that is his second call, will go to the bottom of the list.

Michael Amirault. You may proceed, Mr. Amirault.

Does anyone feel that they have to read their entire brief if they do not want to? They can focus in on the nuts and bolts of the legislation. Many presenters have already covered many points and many of you have been here and heard them. So if you want to adopt other points, things could be expedited and you could have more time for engaging in actual question and answers. So I offer that. Nothing is being dictated from the Chair, I can assure you.

Mr. Michael Amirault (University of Manitoba Student Action Coalition): Thank you. I would like to thank all members of this committee for allowing me to come down and speak on behalf of the University of Manitoba Student Action Coalition. We are a group that was formed after the strike last year at the University of Manitoba.

UMSAC was to provide a community for individuals sharing ideas and resources and individuals who are committed to protecting and maintaining the advance welfare of our university community. One of the problems we found after the strike, there was a huge problem dealing with the aftermath of courses being cancelled or students have those courses dropped. We thought that there was a need, from talking to students, to form a group to ensure that the rights of students are protected, and that is why we are here today.

* (1110)

We think that Bill 32, as it stands, is not in the best interests of students, that there is no real representation from students and that because the minister will have such a heavy influence on the council, it is not going to protect the rights of students, the university and the people of Manitoba. Our biggest concern lies in the Section 3(2)(a) of the bill which has been talked about for great length. Over the last three days, I have been here on Monday night, Wednesday and today and it has been, you know, repeated again and again that there is a real problem with this, that we need to look at making some amendments to this section.

I feel that the following should be added to the preamble of the act: Whereas the creation and the sharing of knowledge and its contingent on the securing of institutional autonomy, academic freedom, collegiate decision-making processes—needs to be added into the act; that the amendments to modify Section 3(2)(a) to make explicit reference to the words, policy go forward, and that the council should establish its own framework of accountability rather than being entirely an instrument of the minister of the Crown and that Section 4 be deleted entirely; that Section 5(1) be amended to read: The council is to consist of 14 members, one member to be elected by and from the senate or college councils of each of the seven post-secondary institutions in Manitoba, an additional seven members to be appointed by the Lieutenant-Governor-in-Council in consultation with each of the seven post-secondary institutions in Manitoba; that Section 6(1) of the bill must be amended to allow the council to elect its own executive from amongst its number rather than accepting ministerial appointment; and that Section 11(b) be amended to read: To carry out its mandate, the council shall be within a framework established by the council, in consultation with the universities and colleges.

Notwithstanding that, there are a lot of other problems that I feel this bill needs to be looked at. With this bill, a government-appointed council will be one that will not be in the best interests of students and will not allow the real voice of students to be heard. This will also take away autonomy from post-secondary education. Sections 4 and 5 make the council only accountable to the minister and not to the institution. Although I recognize that there have been some changes in the bill, it still does not alleviate my fears. The government has shown in the past that they have not listened to student concerns, for example, not appointing an arbitrator during the strike and not renewing the cap on

tuition. We need to have a cap on tuition in the universities because it is quickly becoming unaffordable for most students.

Myself, as a student, my student loans are rising and rising, and every year I am having to make more and more trips to the food bank. This is not a good situation. When Christmas comes around, I do not think about if I am going to go home for Christmas, I think about if I am going to have food for Christmas. That is a real concern for a lot of students, but a lot of students do not want to come out and say that and do not want to be embarrassed to say in public that they need to go to the food bank to get food. I am not embarrassed to say that and I think it needs to be said.

On several occasions, I heard the minister say that the University of Manitoba students' association supported the bill but, in fact—that this is actually an overwhelming support, but I do not feel it really is. I think that when you look at what was mentioned before by some of the other speakers, that between 16 and 20 percent of the students actually come out when there is an election to vote. Last election the decline ballot came in third, so we are not looking at a very good section of the population of the university. A lot of students are very apathetic about what is going on with the University of Manitoba Students' Union. One of the problems is that there has definitely been a failure on their behalf to engage in any council activity or educational process surrounding Bill 32.

Myself, I went down to Channel U and I asked to have on the daily schedule a listing of what Bill 32 was about and I brought down some information. I was told that it could not be put onto the daily bulletin by somebody in the University of Manitoba Students' Union office. I was told that by the director of Channel U at the university, so I was quite upset about that. I then asked if they would do a five-minute spot on the news and they said that they could do that for me, but I found increasing resistance.

Through talking to other students at the university, I found that very few students that had heard about it, did not know exactly what the bill was about. Myself, I am not that rehearsed in the legalese and the different clauses, and I have had very little time to prepare this.

So I have a great concern with that, and that is why I think that we need to have more public consultation on this bill. I feel that we need to have students have more of a say or at

least have a chance to have the opportunity to hear about it because seven out of 10 students that I talked to that had heard about the bill told me that they were not in favour of it, the limited amount that they had heard about, and they were not even clear of some of the legalese in the bill. So there is a real concern there and I think that needs to be brought forward.

I would also like to point out that the University of Winnipeg Students' Association resident and vice-president are currently facing an impeachment process which—and never voted on the bill at the University of Winnipeg. I think that is an important point to make, because there is the impression that all the students are in favour of this bill and I do not think that is true. I know that there are some students who do support this bill, but there are also lots of other students that do not support this bill. I think they need to be heard and that is why I think it is important that the minister, as she said, if she loves our schools and universities, I ask her to return to a public consultation process. That is it for now.

Mr. Chairperson: Ready for questions. Thanks for that presentation.

Ms. Friesen: I wonder if you could make some comments on the kind of public consultation that there was. You are looking for more public consultation. The minister does believe that there was consultation through the Roblin commission in 1992, I think, and that the interim transition committee that she appointed also engaged in consultation. Do you know what the extent of consultation with students was by the interim transition committee? Are you aware of any?

Mr. Amirault: I have heard of the Roblin report and I have seen some documentation on it, but I was never consulted, and I do not know any students that have been consulted by the Roblin report, that I have talked to. Students I have talked to, what I hear is that they feel that the government is using the Roblin report out of context and tends to take it too far, maybe too literal in one sense or the other. Myself I have never had any dealings with consultation in dealing with the Roblin report.

Ms. Friesen: You are a student at the University of Manitoba.

Mr. Amirault: That is correct, yes.

Ms. Friesen: Are you aware of the senate proposal from the University of Manitoba, the letter that has been written, the concerns that have been expressed and the attached letter from students as well, that there is a joint position from the University of Manitoba? Do you know of that?

Mr. Amirault: No, I had not heard of that.

Ms. Friesen: The president of the University of Manitoba has written a letter, I believe, that does express concerns about the bill, some of which you have expressed, others which perhaps you have not. I think what you are telling me is that there is not a great deal of discussion of this amongst students and there is more a lack of understanding than anything else, so that you are recommending that a delay would be most beneficial for that.

* (1120)

Mr. Amirault: Yes, that is correct. I feel that there needs to be a lot more consultation with the students at all universities, not only the University of Manitoba but especially the University of Manitoba. Simply there has been nothing. Only the last Manitoban that came out there was an article finally about Bill 32, but the last two Manitobans that came out there were no editorials, there were no write-ups, there was no advertising by the University of Manitoba Students Union, and there has been, you know, a failure in that aspect, to engage any council or activity in the educational process by UMSU.

Mrs. McIntosh: You keep referring that you have not really read this or that, but you have talked to some people or you heard somebody say or someone on the street mentioned, and I am wondering about the research you have done or the sources to whom you have spoken, and I am very, very concerned about a comment that you put on the record a moment ago, about the duly elected leaders of the University of Winnipeg.

I guess, and I would like to get your opinion, your feedback on this, what we have, what I am very convinced we have because I have met regularly on a monthly basis with the president and vice-president and others at UMSU starting from the day I became minister, meet regularly with a student from the University of Winnipeg and so on; I meet with the officially elected student leaders. It is with them that we have done our work and it was they who asked for this type of council because they had researched Roblin and

felt it was in the best interests of students. Now, what we appear to have is the elected students who represent the minority legally supporting the bill; minority groups who support the fringe group, and I am afraid I have to ask you this, that is now trying to impeach the president of the University of Winnipeg. Which group are you aligned with?

Mr. Amirault: As I mentioned before, UMSAC is not a political group. They are students that are interested in becoming involved in politics but do not want to be aligned with a political party. We act as an umbrella group which people can set up ad hoc committees to work on whatever issues they want to, whether it is the tuition cap, whether it is Bill 32 or the strike or whatever issues that they want to work on they can set up, and what we do is, we facilitate photocopying, a space to do things, advice, whatever they want to do. That way the students can come in and say what they want. Whatever their political views are is not a concern to us. What is a concern to us is whether or not their needs are being met and that their voice is being heard.

Mrs. McIntosh: I am somewhat familiar with your group, and I would question your impartiality. However, how many students are in your group and, since this seems to be being raised this morning, how many people elected your president?

Mr. Amirault: There are about 40 people in our group.

Mr. Chairperson: Mr. Pallister, we have one minute.

Mr. Pallister: Mr. Amirault, are you aware that the post-secondary council was proposed as mandated to set a fair tuition for all Manitoba students as part of its mandate?

Mr. Amirault: I do not think that not having a tuition cap is fair. There should be a set guideline of at least 5 percent to stop the tuition from rising through the ceiling. I am not sure if the council will actually do that.

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

Henry Heller. Welcome, Mr. Heller. You may begin your presentation.

Mr. Henry Heller (Private Citizen): Thank you for allowing me to make a presentation here this morning. I am

down here to speak about Bill 32 because I do believe that the provisions of this bill with this unelected board which it proposes to administer higher education and the powers it gives the Minister of Education (Mrs. McIntosh) to oversee the university does represent a threat to university autonomy, to freedom of speech, and I believe is most undemocratic.

I believe this to be morally and philosophically wrong but I am not going to dwell on that aspect of things. In conformity with the dominant economism that controls public discourse today, I am going to focus on the economic aspect of the implications of this bill.

Now, it seems to me that an autonomous university and a university which ensures freedom of speech and which is run along more or less democratic lines is one which allows a university to keep in step with global trends to innovate and produce a competitive workforce. I believe that Bill 32 threatens these attributes of the university as they presently exist. Now, part of the rationalization for these measures in terms of the background to Bill 32, we are told that the justification for it and its provisions is that the university must somehow be brought into tune with the needs of local business, the local business community.

Yet, as an example, I would point out that the university as presently constituted, enjoying a reasonable degree of autonomy and freedom, the university is responsible, for example, for in part helping to create the new McNally-Robinson bookstore, as an example, which I think justifiably can be regarded as an outgrowth in part of the University of Manitoba English department. As an example, I would point out that this new business is possibly the most vital new retail business in the city of Winnipeg and in the province of Manitoba. It is a bookstore, a retail establishment which has been created by young university-trained entrepreneurs and it is characterized as a business by its flexibility, its connection to new global commercial trends and, above all, is based on new ideas. I would submit that, in fact, increasingly, we see as part of global economic trends that—and accessibility to new ideas, to fresh ideas, is going to be crucial to the whole development of the economic life of this province and, indeed, the Canadian economy in future years.

Now, it seems to me that the implications of Bill 32 with its unelected board, with its lack of input from below and its giving powers to the minister to virtually dictate programs

is going to subject the university to a degree of interference which will stifle its ability to innovate and adapt and produce those kinds of people who can create the new businesses that are necessary for the economic development of this province.

Now, in my opinion, it is urgent that the business community and the universities learn how to co-operate with one another in effective ways in terms of developing the economic life of this province, but I would submit that the provisions of Bill 32 are not the way to go about it.

I would conclude by finally saying that I think, on the contrary, that this bill will stifle these initiatives, runs counter to any notion of local control and is a recipe for conflict in the Manitoba community. That is really my presentation.

* (1130)

Mr. Chairperson: Thanks for a very concise presentation.

Ms. Friesen: Professor Heller, you have, I think, pinpointed one of the basic assumptions underlying this bill, and that is the belief, I believe, the erroneous belief, that the universities and community colleges of this province, but in particular the universities, are not serving the community. You particularly selected business, but we have had a number of presentations over the last couple of days which have talked about the universities' contribution to theatre in this province, both from the University of Winnipeg and the University of Manitoba. People have talked about the contributions to the film industry of the English department at the University of Manitoba. We have had a number of presentations like that.

I wondered if you perhaps might go beyond that sense of, just the business community, perhaps the small business community, and give some idea of how the universities of Manitoba or the one that you are most familiar with have contributed to the broader community.

Mr. Heller: I think you must understand we have, in our faculties, an incredible range of programs that expose students to—we try to expose students to really what is going on in the world today. We have confidence that their exposure to a broad range of ideas and different points of view, that these young people do have the innovativeness and creative spirit to go out in the world and create new

things for the people of Manitoba in terms of the artistic life of this community, in terms of the cultural life of this community, in terms of social agencies which improve or enhance the life of people in Manitoba and in terms of the economic life of people. It is the flexibility and the degree of free debate which exists at the university which gives us the flexibility which makes this possible and moreover keeps us in tune with what is going on in the world as a whole.

I fear this bill, the implications of this bill, will really put a straitjacket around the university and give it a kind of parochialism which will be detrimental both to the social and creative life of the community but also to the economic life of the community.

Mr. Chairperson: The honourable minister is deferring to Mr. Pallister. Mr. Pallister, you had a question.

Mr. Pallister: Yes, sir. Thank you for your presentation, sir. You refer to this bill as being undemocratic. You express concerns about democracy. How would you respond to this comment in yesterday's Free Press which said, and I quote from it, at least these decisions will be made by a publicly accountable authority and will be subject to public debate.

Mr. Heller: It is true that ultimately the minister is responsible to the Legislative Assembly but the fact of the matter is that there is no provision here for input from below.

The new COPE mechanism really is based on ministerial appointment of people. It would be far better to make provision to have, well, perhaps part of it being done that way, at the same time to have input from the constituent elements that are going to be affected by the bill so that the deliberations are based or are already formed by a sense of really some sort of grassroots understanding of what is really going on in these educational institutions. In that sense, there is a lack of democratic input.

Mr. Pallister: Just to elaborate then, this was another comment that was made yesterday, I would like you to respond to, a quoting again. This will be a marked improvement on the present system which gives the public no chance to judge the decisions or evaluate the results. Your position seems at odds with this position and I just give you the chance to clarify why you think that may be.

Mr. Heller: I am not sure that the present system does not allow any public input, that it is completely insulated from any kind of public involvement. I do not see that the present system does that. If it does then by all means let us improve it but not in the manner that is before us today.

Mrs. McIntosh: Mr. Chairman, just as an aside, I should indicate that our amendments do include a consultative process, the amendments we are bringing forward at the request of the presidents and students, where a consultation will be put into the bill.

I am wondering if you can tell me what you think the minister's relationship with universities and colleges should be. Like right now there is no ability for the minister to communicate requests or directions to universities. Indeed, the minister has to be even very careful if she attends boards of governors meetings not to be seen to be making any suggestion that might be construed as interference or commentary. What vehicle do you think there should be or do in fact you think there should be no vehicle for the minister to communicate and have a relationship with universities?

Mr. Heller: Well, let me perhaps put the question back to you. Do you think that the way Bill 32 is constituted, where basically you would apparently—there is no provision here for you getting information from below. There is no sort of consultative process which you go through before you basically announce what measures you are going to take. So there is no give and take here, Madam. You know, that is really the problem, that there is no reciprocity. What are the provisions for your getting input for the measures that ultimately you as the minister responsible in a democratic system, admittedly, for making these decisions? I think that is the worry.

Mrs. McIntosh: That is, as I indicated to you in the beginning as my aside, that will form part of the amendment we are bringing forward in this session at this committee to indicate the consultative process beginning with the students right up through the administration to the ministers being built into the bill. So that was always our intent. The students and the presidents asked for it to be put in the bill. We are putting it in as an amendment at this hearing.

Mr. Chairperson: Thank you, Mr. Heller, for your presentation.

Next I have a request for replacement for Peter Laznicka. The named replacement is Sarka Laznicka. Do we have leave of the committee to accept that substitution?

Some Honourable Members: Leave.

Mr. Chairperson: Leave is so granted. Is Sarka Laznicka here? She is. Would you begin your presentation.

* (1140)

Ms. Sarka Laznicka (Private Citizen): Ladies and gentlemen, my name is Sarka Laznicka, and I am just making this presentation. It is a personal presentation on behalf of Peter Laznicka—

Mr. Chairperson: Perhaps you could speak into the mike a little bit more. It is very delicate. You have to be positioned just right, but if you could just raise your voice enough, because what you are saying is being transcribed, and not only are people here listening, but people at the back of the room are listening. Thank you very much.

Ms. Laznicka: Okay, so I am making the personal presentation of Peter Laznicka who is unable to come today, so the following words are his words:

Ladies and gentlemen, the critical response of some speakers to Bill 32 focuses on perceived danger to academics. What is academics? It means areas of study that are not primarily vocational or applied, as the humanities or pure mathematics—it is from Webster. A full university such as the University of Manitoba, however, combines the academics with purely technical, example, engineering, and/or professional, example, medicine, education and research.

Academism, which is indispensable for survival of the complex, highly evolved human society, the former U.S.S.R. had repudiated academic debate and eventually collapsed, however, cannot sustain itself and depends on a strong economic base for support. Maintenance of the economic base requires a production economy, which in turn depends on technical training.

It is my impression that the technical portion of mandate to Manitoba universities has been weakened by the direction Canadian universities have taken in the past 30 years, which is well covered in the literature.

The present-day and future Canada has been seriously hurt by political excesses of the '70s and 1980s, that have left us with a crippling debt of some \$750 billion. The indiscriminate expansion of universities in the same period was a significant sink for the borrowed money, and it is the main reason why we need a correction now.

Such a correction that is inevitable cannot be eliminated by stalling, academic discussions and job actions. A status quo is no more possible as it could require increasing public spending of money that is not there. Better direction, co-ordination and sharing of public facilities, not only at the universities, are needed. The question is, can the governments who got us in this present situation in the first place do better this time?

My fellow citizens and I can only hope that present and future governments avoid excesses such as the recommendations of 1993 Ontario Task Force on University Accountability, which was strongly reminiscent of practices I have personally experienced during my 28 years of life under the totalitarian systems.

I propose that the Manitoba government who collects and spends the taxpayers' money to provide public services also accepts the responsibility that the funds provide the maximum public benefit that makes it necessary to formulate the policies that govern the post-secondary education as long as it is publicly financed service. Also, the universities should retain the right to formulate academic standards.

I thus propose that wording of Section 3(2)(a) remains in the original draft, it is the word "policies" is not added as an exclusion. There is no cause for alarm. It is like this in much of the developed world. Elsewhere, as in Germany and France, the ministers of education even supply the curricula. This is not bad if it assures that students are taught what needs to be taught rather than what their professors like to teach or research, provided the curriculum is realistic and devoid of power politics of the day.

What are the safeguards that the government will not abuse their increased mandate? The same as the safeguards of democracy, accountability to the public through parliamentary proceedings and freedom of the press. Ironically, such safeguards do not exist in some university units where committees, often staffed by the same people,

deal behind closed doors. In the past 19 years, my academic freedom and creativity have been restricted more by colleagues who monopolize power within academia than the actions of the Manitoba government.

The most disadvantaged single group in Manitoba universities, sadly, are the local undergraduate students who, and whose parents through their taxes, finance the post-secondary education. Most students are too busy studying and earning their living—over 50 percent of Manitoba undergraduates hold part-time jobs—and they do not have time to go out and press for change effectively. Their unions, installed by elections in which some 11 percent to 17 percent of eligible voters only participate, have been little effective so far.

I further suggest that Section 14(2) is modified by addition of the word “eliminate.” It is the universities should not have the liberty to eliminate programs that are of demonstrated public importance and that are not duplicated elsewhere in the province without consent of the council.

This need is convincingly demonstrated by the first program shelved and, for all practical purposes, eliminated at the University of Manitoba under the new, post-1995 strike collective agreement. The program is Geological Engineering. It had staff of four professors, low budget, 40 to 50 undergraduate students and an above average employment record. The program has died because it was too small, hence vulnerable, and it lacked allies in the centres of power. This sad accomplishment is doubly disturbing as it sweeps the regard for provincial economics under the carpet.

In Manitoba, mining and smelting is the No. 2 primary industry that contributes over \$1 billion per year to the provincial economy, yet this important sector of wealth creation has absolutely no representation among some 2,500 provincial academics at Manitoba universities and colleges; no departments, not even a single professor of mining and metallurgy; no positive advocacy of this resource industry. The Geological Engineering came closest to this objective and now it is gone.

My question is, would the result be different had the Bill 32 and the council been in place? I believe it would. There would have been an opportunity to consult the industry and the Manitobans whose children are directly affected. The decision has been made by the internal university bodies

who are empowered to do so by the present monopoly on academic policies and standards without the need to consult the public.

The senate and faculty union profess their allegiance to academic freedom. One wonders what freedoms have been passed on the instructors whose programs have been eliminated and whose dedication, investment and experience have been devalued? How do freedom of choice of Manitoba students, particularly those from the North where geological engineering has a practical appeal, get upheld?

I am a University of Manitoba insider, teaching there for 24 years, but I am also a taxpayer and father of two university students who face the future. I believe Bill 32 is an improvement, so I support its passage without further major changes. Thank you.

Mr. Chairperson: Thank you, Ms. Laznicka.

Mrs. McIntosh: Thank you very much for reading Peter Laznicka's presentation to us, and I would like to ask that you thank him for the courage displayed in bringing this forward.

It is no secret, and you are referring to an example here that is very close to my heart, it is no secret that the professors union is opposed to this and those professors that support it are by and large reluctant to come in a public venue and state it because they depend upon their peer support for advancement in their careers. So they are really caught. I mean, talk about being controlled by the union.

This, I think, is a courageous thing that Peter Laznicka has done to, come forward in the way that he has. Having lived under totalitarian regimes, I think the fact that the faculty of some of the student, the small, fringe student groups are saying Nazi Germany and Communist Russia in application to this bill, having lived under a totalitarian regime, as indicated in this brief, he is probably a good one to contradict that particular smear campaign that is going on.

The Geological Engineering decision was one that caused great anguish for me in particular, since I am married to an engineer, and as minister I had less power to give advice on this subject than I would have had I been a private citizen. I think that is, since we give hundreds of

millions of dollars to the universities, that we should be at least able to communicate our thoughts and ideas without fear or accusations of interference from the opposition.

Mr. Chairperson: Do you have a question?

Mrs. McIntosh: I would like to ask the one question, we are going to agree with the amendment he has proposed on page 1. In the amendment he is proposing on page 2, when looking at 14(2), has he made, do you know, any conscious comparisons to the Universities Grants Commission on that? Do you know?

Ms. Laznicka: I am sorry. I did not discuss anything with him.

Mrs. McIntosh: Okay, fair enough.

Ms. Laznicka: Just one thing, he did an extensive report for the Roblin committee, so maybe you can find some answers in that report.

* (1150)

Mrs. McIntosh: Thank you very much.

Ms. Friesen: Mr. Chairman, I will not comment on the minister's references to smear campaigns or to cowardly professors. I think they will stand by themselves and people will read them.

I do think that the minister perhaps made an error just a minute ago when she said that the government was intending to bring forward an amendment as the proposer, as Peter Laznicka has suggested here on page 1. I think actually it is the reverse of that, the minister is bringing forward an amendment that Mr. Laznicka is not in favour of. So I just draw that to the attention of the record perhaps.

To the presenter, I am not sure that I can ask you questions, I know you are presenting on behalf of someone else, and I certainly take the point you are making about Geological Engineering and the point that you are making about the absence of public consultation over that decision. Do you think it would have been possible, would it have been desirable for the senate of the University of Manitoba, which is the academic decision-making body, to have consulted with people in that field? Would it have been possible, for example, for the board, a good proportion of

whom are appointed by the minister, many of them from various business elements of the community as well as other community people, are there opportunities there in existing institutions for the kind of consultation with the community that you are recommending?

Ms. Laznicka: I think that so far, you know, there are not conditions, as you mentioned, just to discuss these proposals with industries, and I think this is what Peter, what he suggests if this bill was passed that, you know, there would be. So definitely it would be an improvement because it was done, everything, internally at the university. I am not really familiar with this. You know, I do not work there, but this is what I understand from him.

Mr. Chairperson: Thank you very much for your presentation, Ms. Laznicka, on behalf of Peter Laznicka.

I would now like to call on Dr. Bruce Bolster. Dr. Bruce Bolster. Is Dr. Bruce Bolster not here? It appears that Dr. Bruce Bolster is not here. Dr. Bruce Bolster will go to the end of the list. That was his second call.

Brian Kelcey. Brian Kelcey. You may begin, Brian Kelcey.

Mr. Brian Kelcey (Manitoba Taxpayers Association): Thank you, Mr. Chairman. Good morning. My name is Brian Kelcey. I am the provincial director of the Manitoba Taxpayers Association.

Mr. Chairman, honourable members, there is a push by several critics of Bill 32 to portray this proposal as an undue and unfair attack on the value of Manitoba degrees and even on the reputation of Manitoba's universities.

Our association is just beginning a major research project on the universities issue later this month, but for the moment I had hoped to add a bit of context to two or three of the issues that have so far been put before this committee to ensure that the high level of rhetoric does not drown out the rationale for a strong co-ordinating council for post-secondary education.

To begin, committee members have heard a number of speakers on this issue focus on the need to prevent direct council and implicitly direct government control over the university system in order to protect the reputation of our universities. It is assumed that to be academically free and

vibrant, Manitoba's universities and colleges must be governed by, to use Ms. Friesen's words, an arm's-length agency rather than a co-ordinating agency as outline in Bill 32.

A simple phone call to two provinces, Alberta and British Columbia, found that neither has an arm's-length agency or even a post-secondary council for governance. Funds and policies are sent straight down the chute from the minister's office. Since writing this presentation, I was informed that Saskatchewan had a similar but slightly more arm's-length relationship with its institutions.

Frankly, the Universities Grants Commission in Manitoba is an anomaly and the council, if created, will also be an anomaly. Manitoba's universities will enjoy a relatively privileged level of separation from government. Alberta and British Columbia universities have survived direct government control with reputations far better than those of our institutions, a fact that makes the shrill comparisons we have heard between this bill and fascist Germany seem somewhat misplaced.

Some have also suggested that the destruction of the intellectual and academic fabric of our universities will be the result of Bill 32. Supposedly our universities will be consigned to a low, disgraceful and meaningless role as training depots for jobs and professions.

This concern is amusing in light of the current situation. At our universities, 10 faculty or school-level programs are already strictly professional in nature. Medicine, Pharmacy, Dental Hygiene, Dentistry, Education, Law, Nursing, Engineering, Social Work and Architecture all meet professional demands with varying levels of success and efficiency. Arguably the Agriculture diploma program, some programs on Human Ecology, Physical Education and Rec Studies, the Ed. Mus. programs in music, and Management and Business Administration programs are also all quasi-professional in nature. Continuing Education is a partly market-driven program.

This massive emphasis by existing institutions on professional programs belies the claim that our institutions are focused on pure academic inquiry. Coupled with this is the system of so-called horizontal cuts. This budget-cutting practice is designed to hurt every department equally. The result is fatal to supporters of general science or liberal arts programs, of which I count myself. Despite core functions

and high enrollments, these faculties get cut at the same rate as peripheral, redundant or bloated units, resulting in a relative decline in arts and science while preserving, you guessed it, more compact professional schools and top-heavy administrative units.

If Manitobans are concerned about the loss of the academic flavour of our schools, then the target of their frustration should be the various governing boards, not this bill.

Mr. Chairman, this leads me to one of the central issues raised with this bill. There is an important difference between the phrases university autonomy, on the one hand, and academic freedom, on the other. Yet, both have been used interchangeably in this debate. Academic freedom is the freedom to teach any idea, to question any policy and research any theory. I know of no Manitoban who questions this principle. On the other hand, university autonomy is a form of bureaucratic self-governance that in practice has had little to do with intellectual or academic matters.

Autonomy has meant the freedom to spend public dollars without public accountability or adherence to disclosure requirements of other public agencies. Autonomy has meant the freedom to impose new user fees, without any direct relationship to services rendered, in clear violation of the spirit of a government order. It has meant the freedom to create the most overmanaged institutions in our province, the freedom to indulge in taxpayer-capitalized and often money-losing business ventures with a direct and concurrent loss of resources intended for educational use. Finally, it has meant the freedom to spend increasing or unneeded sums on administration, physical plant or ancillary services at the expense of library funding or teaching support.

Unhappily, for anyone who is pro-education, our universities have grasped these undue privileges and exercised them with gusto. They have also embraced another freedom, the freedom to create redundant programs at public and student expense. UMSU's Path to Excellence paper found 38 redundant departmental or faculty programs in our four degree-granting institutions, of which over 10 were redundancies present at all four institutions.

For time's sake, I will skip over these points here, but for the audience, I just make a number of points about all of the

extra costs over and above the course costs that come with creating an extra department or extra faculty. For some specific examples, at the University of Manitoba Faculty of Education, a faculty with three counterparts across Manitoba, there is one dean, two associate deans and three department heads, a relatively constrained case offering a ratio of one senior Ph.D.-equipped, \$90,000 to \$120,000 manager per 9.7 Ph.D.-holding faculty members. The Faculty of Graduate Studies at the U of M has a full complement of one dean, one associate dean and nine support staff, despite the fact that virtually all graduate studies work is already done by existing staff at the departmental level.

The problem is not in diversity of programs per se. The problem is that in our system a new program almost always means additional bureaucracy without additional benefit. In theory, new programs, which are almost always interdisciplinary in nature in the 1990s, can be created almost at will simply by reassigning existing professors, sessional slots or reallocating existing resources. Unfortunately, our schools persist in adding a variety of supports and bureaucracies to any new academic offering.

Too often, at these hearings, we have heard university officials stand up and insist that they, quote: understand the need for rationalization. Apparently, these officials are completely incapable of actually acting on that understanding. At the University of Manitoba, central administration costs rose last year despite cuts to educational services.

An earlier presentation by CAUT described Bill 32 as a hammer. As far as academic freedom or research is concerned, a hammer is obviously neither wanted nor needed. But when it comes to basic rationalizations, accountability, ending abuse of university autonomy and controlling empire building, history clearly supports the need for a very large hammer to bring our university bureaucracies in line.

* (1200)

A number of amendments have been proposed for this bill. Some of them seem quite constructive, for instance, the proposal from Brandon University asking for a clear definition of unnecessary duplication. If the committee hopes to make amendments to protect and preserve academic freedom, I am sure every Manitoban will urge you

to do so, but any amendments should make possible, in fact, they should encourage Council on Post-Secondary Education intervention in restraining spending on duplicate programs, administration or ancillary programs, not only for the sake of the taxpayers who work hard to pay these costs but also for the sake of sustaining our education system itself.

Mr. Chairman, we all know that Manitobans want to see dollars go to education, not the excesses of our educational institutions. Students are tired of being forced to pay for the so-called, quote, rising cost of education, only to find that this means higher administrative costs or new program redundancies rather than larger library collections. Without the hammer of Bill 32's co-ordination provisions, our universities have demonstrated that the squandering of tax and tuition dollars will continue unabated. Our universities have had a long time to decide whether or not to focus dollars on education and collaborate amongst themselves. Perhaps it is time for someone else to make that decision for them. Thank you.

Mr. Chairperson: Thank you, Mr. Kelcey.

Mr. Pallister: Thank you, Mr. Kelcey, for your presentation. You express a concern that I have heard unanimously expressed by people in pursuit of post-secondary education, which is concern about costs. I want to ask you if you feel that this proposed bill will improve the focus on measurements and accountability in our post-secondary educational institutions?

Mr. Kelcey: I hope so, Mr. Chairman. I want to stress again, as I had said, that I think that can be done without necessarily or without in any way impinging on academic freedom per se. There is a difference, for instance, between central administration costs on the one hand and deciding what kind of variety of courses you are going to have to meet the course requirements of a particular program on the other. It is important for this committee to consider those differences. It is important for the taxpayer to consider them considering they are paying for the expensive differences in there, and I think it is important for Bill 32 to reflect those as well for it to be successful in creating that focus.

Mr. Pallister: Given that at least in part this measurement of value would be an analysis of both inputs and outputs and your hope, it seems to be, would be that this would

assist us in prioritizing better the resources we allocate to post-secondary education. Are you aware of or how would you suggest that we go about placing a value on a liberal arts degree?

Mr. Kelcey: As a personal opinion, I would hope that you would place the value of a liberal arts degree very highly. There seems to be an assumption amongst critics of this bill that people who support it want to see a number of professional facilities increase. I would want to see that reduced. My experience has been that liberal arts degrees are in fact more effective at teaching people how to go ahead and work in the workplace than the professional faculties are.

To give you an example—it is not a tangent, it may sound like it—one that I had heard of today, and that is that recently the University of Manitoba Senate was forced to pass a requirement, meaning that now everybody has to get at least one what they called “writing course” before they can graduate because they discovered that it is possible at the U of M to graduate without having written anything other than, of course, your name at the top of an exam and the various things you are required to write to actually register in the courses.

I find that shocking. Liberal arts programs do not have that problem, and I would hope that the result of Bill 32 would be a greater concentration of resources on those core programs.

Ms. Friesen: Mr. Kelcey, I take your point about liberal arts programs. I wondered, however, how you are defining unnecessary duplication. That is one of your concerns, and I wondered if you could give us a sense of what your organization believes is unnecessary duplication.

Mr. Kelcey: It was actually the Brandon University Senate's concern, I think, and quite fairly so in that our members are not irrational people. They understand, for instance, that there is some utility to having core programs at Brandon because if you are going to be going to university in Brandon, you cannot commute back and forth to Winnipeg to take the same core programs.

At the same time, with a program with as small an input level as education, there you have a case where four faculties of education are delivering the same programs, three in a single city, one of them albeit in a different

language, but that is the kind of case where geographic concerns clearly justify reducing some facilities in those instances.

I may not be helping you very much here, but what I am trying to say is that redundancies are not necessarily cut and dry. Clearly there are some geographic redundancies that are justified in Brandon's case to allow accessibility for rural students. If the definition would make it clear that that is the case, then that is fine.

I want to stress another thing that I had heard in the hearings. There was a professor from Classics who made an interesting point that, you know, you have two very different Classics programs at the University of Winnipeg and at the University of Manitoba. Our concern with that is—there is a value to Classics, sure, there is even a value to having a diversity of courses in Classics—there is no value to having two department heads for Classics located at two separate institutions with the administrative supports required to have them separated. So wherever it is possible, put those departments together in the same place, have them administered by the same people, and you are saving money without having an impact on the actual educational level of the course offering.

Ms. Friesen: So in those cases of duplication, your concerns are the administrative costs, and that is a theme obviously that is throughout your paper.

Mr. Kelcey: Primarily.

Ms. Friesen: Yes, because the professor of Classics did make note, I think, of the ability of students to have access to courses at both institutions so that actually the programs were, in a sense, combined, although I take your point on the administration.

You have differentiated between academic freedom and autonomy, and you have come up very strongly in favour of academic freedom. Do you think that this bill needs a definition of academic freedom? Would you be in favour—

Mr. Kelcey: Mr. Chairman, I do not think that would hurt. Again, I am not sure that is necessarily the purview of this bill. I think, again, I want to stress that there is a problem in equating autonomy and freedom in the sense that what I see this bill addressing, even in its current language, is the fact that you have—we are prioritizing our institutional needs

rather than our educational needs, and if a definition of academic freedom delineates the difference between the two, then that is fair. I mean, I have heard academic freedom definitions coming from faculty associations and others used to protect the idea, for instance, that the university should be able to run businesses that lose money, and, frankly, I think that is a plot. So if that is the kind of definition that is being looked for, obviously, I would not support it, but if it is something that protects the right of senates and individual professors to teach what they please and research what they please, within the context of the resources that are there, that is fantastic.

Mr. Chairperson: We have 20 seconds left. The minister had put her hand up for a question.

Mrs. McIntosh: Just a very brief question. Thank you for your brief. Obviously, I agree with much of the content of it, and I think it is very well presented.

I just have one question because it seems to have come up a lot in earlier presentations. You too have been a student at the university, you mentioned your liberal arts background, and if my knowledge of your resume is correct, you were also at one time involved in student politics or student whatever. Am I correct? When you were involved with UMSU, is it your opinion, and I know that we are going back many years, is it your opinion that the students you encountered when you were in a leadership role on campus—

Mr. Chairperson: Is there leave to finish this question?

Mrs. McIntosh: —shared your views, shared your concerns about—

Mr. Chairperson: You have leave, but quickly please.

Mrs. McIntosh: —the effect that the current situation has been having on schools and saw the need for change?

* (1210)

Mr. Kelcey: Of course, there is a level of concern. I think one of the biggest problems, and I touched on this, is that many people, myself included, have been in the past caught up in this sort of macro level of university rhetoric, that it is either this or that and so forth, and too often many student associations, and many student leaders in particular, do not

take the time to look at what is going on in their own institutions. When I was in the U of M students union, we took a major policy shift somewhere around January, February, I believe, of 1994 simply because we had not been aware really up until that point that there was so much duplication, that there was such considerable waste on non-educational functions, and we felt it was incumbent on us to go ahead and point these out, in that if you are going to be putting money into the university system, you want it, obviously, to be going towards education and not towards things which are totally peripheral.

So I cannot give you a number, as many people have tried to do, to say how many students are concerned about this. I think the more and more students become aware of it, the more and more disturbed they are by the site of libraries getting, you know, fewer and fewer collections purchased and fewer and fewer hours for those libraries that they use at the expense of more and more vice-presidents and more and more department heads. Once they know that is what is going on, there is generally shock and disgust.

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

I would now like to call on Maggie Ross. This is Maggie Ross' second call. After her, will be Jennifer Nembhard. Maggie Ross will go to the bottom of the list. Is Jennifer Nembhard here? Jennifer Nembhard is not here? Oh, is here. Okay. You may begin your presentation.

Ms. Jennifer Nembhard (Private Citizen): Thank you. Good afternoon, members of the review committee, presenters and observers. Allow me to introduce myself. My name is Jennifer Nembhard. I am a student at the University of Winnipeg. I am involved with the student association there through volunteer work and through various services offered by the UWSA. I am here this afternoon because of my concern regarding Bill 32, the bill that outlines Manitoba's government's duties and responsibilities for post-secondary education. I feel that I must discuss concerns not discussed by our UWSA president. I wish to emphasize the obvious to you this afternoon, for these are the heart of my concerns

Firstly, allow me to commend this effort. I admire the fact that the government in Manitoba realizes that there are problems with our present education system. This is why these three bills on education are before us this afternoon. I commend government also for taking steps to deal with

these problems. This process of readings, hearings and debate is an important step on the path to perfecting our education system. I see the purpose of these hearings as a forum for members of the public to express concerns and work with the government to develop solutions that benefit everyone. That is why I am here before you. I have concerns with Bill 32.

The preamble of this bill grasps the fundamental basis of education in Manitoba. The spirit of this is essentially positive and implies an open ground for the development of post-secondary education in Manitoba. The remainder of the bill does not. There is a commitment to helping individuals grow and participate in meaningful ways in society. Post-secondary institutions try and mostly succeed in doing this. They train individuals to enter jobs but they also train them to enter our society. This bill suggests that post-secondary education is a tool of our economy. It should not be.

At the University of Winnipeg students learn more than a trade. They learn about the world around them. They learn how to analyze and resolve problems. They learn how to use critical thinking and other nonmarketable abilities. Many of these can be things that graduates take for granted yet. Without them, the standards of education and society in general plummet drastically.

The commitment to helping individuals participate in society is not addressed in this bill any further than the preamble, while it is invariably connected to issues of accessibility, inclusivity and equity. In order to preserve and further improve the standards of education and society in general, post-secondary education systems must include everyone.

Post-secondary education is an incredible opportunity for people, yet many choose not to pursue it. This can be for many reasons. Some feel that education in general does not represent them enough or at all and consequently feel they are not invited to partake of it. This is allowed to slip by because little is done to ensure that they are, in fact, represented. People are also barred because of money. This is a reality that rising tuition fees, decreased teaching and staff members and salaries, limited resources and supports to institutions does not solve. People are barred because of lack of inclusivity. If the people most directly affected by education, that being students, instructors and institution staff, are rarely included in meaningful ways in

decisions regarding education, then inclusivity is a problem with our system.

I find few places where the three aforementioned groups are named and included in the proposed Council on Post-Secondary Education's workings. The need for specific responsibilities and duties is important so as not to create opportunity for confusion between post-secondary education institutions and governments present and future. I strongly urge this review committee to consider the proposed amendments of MOFA. I also hope that the bill will be amended to allow for greater inclusivity.

I am concerned as to how this bill will affect post-secondary education institutions in Manitoba, specifically universities. Looking over the list of speakers, I notice that many are those whom this bill will affect most immediately. I am among this group. I speak today as a concerned citizen, but also as a student worried about education in Manitoba. If the institutions are not capable of delivering the best education possible, then they should be concerned. Indeed, this bill raises this possibility. Bill 32 encroaches on post-secondary institutions' powers to administer education by interfering with their focus, purpose and development. I am concerned generally with Sections 3, 4, 11, 12 and 14. While the duties and powers of the council outlined in Section 11 are not in themselves much different from the Universities Grants Commission, with the added duties and powers of the Minister of Education outlined here and in Section 4, as well as no matching duties and powers to the universities and colleges, this is an area of concern.

Further, Sections 12, 14(2) and 14(3), I believe, have the potential to interfere with the institutions' abilities to administer education and other services. Education is an important tool in today's world. Being able to process, analyse and use information can be important to an individual's ability to contribute to society effectively and positively. Institutions of education are not only training individuals for jobs, they are helping them to better society in general. An overhaul of our system is long overdue. The needs and challenges of society change. In order to assess these needs and challenges, we must assess the needs and challenges of its users, firstly, and then those of society in general. I am not confident that this has been done most efficiently in reviewing this bill and truly including all of those whom it will affect. Education is not truly accessible, inclusive and equitable. If education does not first meet

these needs then these problems will prevail throughout our society and deter Manitoba's opportunity to achieve excellence.

I am glad that there is a commitment in the preamble to create "an accessible and effective" post-secondary education system. But this bill does not show how this will be done. If this were outlined, I would truly see this bill as a commitment to excellence in Manitoba's post-secondary education system. These are broad but fundamental problems for Manitoba. They may even seem obvious. It is obvious that accessibility, inclusivity and equity are problems. It is obvious that education must be more than a tool of the economy. It is obvious that decisions involving post-secondary education must include groups that are direct users of it. It is obvious that we must preserve our post-secondary education institutions.

In conclusion, I would like to state a few final ideas about education. Education is a tool and an art. Post-secondary education institutions are charged with the exploration of education with both of these ideas in mind. I feel that Bill 32 explores education for only the first. It does not support the idea of education for education. In today's quickly changing world where information is constantly changing, this exploration is no longer a commodity. It is a necessity. This bill and the mandate of the proposed council should reflect this. I am hopeful that Bill 32 can be amended to meet the needs of Manitobans to succeed in Manitoba, Canada and the world.

I thank you for your time and consideration, and I look forward to this government's commitment to excellence in post-secondary education.

Mr. Chairperson: Thanks for that presentation.

* (1220)

Ms. Marianne Cerilli (Radisson): Thanks for your presentation. I want to pick up a few things. I had hoped to ask a question of the previous presenter and try to identify where in the bill they were hoping to see the effect of the new council on reducing administration costs. I notice that in your presentation you talked about the preamble of the bill including a section that mentioned accountability, but that is not in the mandate of the council, and you talked about a concern that is related to accessibilities and inclusivity. I am wondering if you can explain more of your

statement, people are barred because of lack of inclusivity. I am going to connect these two things about administration now because this bill is going to, in some ways, replace the kind of administrative work that the senates do. There are 58 members of the senate at U of W, I have learned, and there are students as part of that, but I am wondering, if that is the kind of loss of inclusivity, that there are no students on this council, if that is the kind of thing you are talking about or if it goes further than that.

Ms. Nembhard: That is one of the things that I am talking about, having students and faculty and people, like people basically represented from the post-secondary education institutions from various groups in there, included in meaningful ways in the council. I do think that is one of the ways I mean it, that it is essentially important. I also mean by that, that in the drafting of the bill even and in discussing the bill, people from these institutions should be invited in meaningful ways. This hearing is one way, but I think it should also be included in even writing up certain sections, and I do not really feel that that has been done effectively so far.

Ms. Cerilli: I am wondering if you would support an amendment that would ensure that accessibility becomes a mandated part of the council, that it is not just in the preamble, but it is a mandated part of the council.

Ms. Nembhard: Yes, absolutely, I think that is something that is lacking in this bill, is that the council should be accountable for looking at issues of accessibility and inclusivity and equity and, yes, that they should be included in the mandate. I notice that tuition is mentioned in it, and I hope that will be some commitment to accessibility, but it should be mentioned somewhere in the mandate, somewhere else in the bill, some sort of commitment to these issues, yes.

Mrs. McIntosh: Thank you very much for a very well-presented brief. I appreciate it very much. In terms of the comment on accessibility, could you just give us an indication of ballpark how you might phrase something on accessibility that could be included as a possible amendment?

Ms. Nembhard: That could be as simple as the council is committed to making post-secondary education accessible in Manitoba. That does include a plethora of ideas like, there are financial issues of accessibility, there are cultural

issues of accessibility, like just basic things, but, yes, that could be one way that it could be. I think it should also come up somewhere; it could also come up somewhere in the duties. I believe that in either Sections 11 or 12 something could be worded to the effect that the Post-Secondary Education Council will assess issues of accessibility, inclusivity and equity, and act upon those concerns.

Mr. Chairperson: Thanks for that presentation.

Rachel Thompson, please. Rachel Thompson? Rachel Thompson, not answering the call, Rachel Thompson will go to the bottom of the list.

William Martin, please. You may begin your presentation, Mr. Martin.

Mr. William Martin (Private Citizen): Good afternoon, my name is Dr. William Martin. I am a mathematician at the University of Winnipeg.

The main point that I want to make is that I feel that this Bill 32, as originally drafted, is a recipe for disaster for our universities. I am sure that many people have spoken to you about the impact on researchers and teachers of social policy, political policy and so on, about the smudge that this immediately places on the credibility of any research done at these universities into the economy or environmental issues and so on. As soon as the journals and research community find that this comes from a university where the minister has the ability to cut the funding in economics or political science or geography based on the research of those workers, this damages our credibility. I am sure people have spoken to you about that.

My point that I want to make is that this is damaging for technology. I am a mathematician with degrees in computer science, mathematics and optimization, and I believe very strongly both in the training of workers in technology and in liberal arts training for people who can go beyond what is known currently in technology.

I want to make four points. The first point is that I am bothered by the description of the membership of the proposed Council on Post-Secondary Education. There are no conditions on membership, no qualifications given for members, required for members, and so one would suspect that a current or future administration can make patronage

appointments, can appoint people who are up for re-election, can appoint people from any part of our community whether or not they have any qualifications in the area of post-secondary education and research.

Well, to make decisions about funding for post-secondary education requires some qualifications, requires some knowledge of the things involved. For example, maybe you would want to give your proposed members a little quiz. How many hours does it take per week to teach one course? How many members of your council will know that fact? How many members of your council will know how long it takes for a research paper to make it from its final typesetting to the journals. How many members of your council will know how much secretarial service is available and used by faculty members at our institutions?

For example, in my department, in mathematics, how many council members will be able to answer this question. True or false, the department of mathematics and statistics at the University of Winnipeg in the past three years has garnered over \$200,000 in external funding? True or false? Is there any knowledge whatsoever required to be a member of this committee and to make internal decisions at these universities?

By contrast, we currently have a system where people who are doing research and are teaching are making a good majority of these decisions. My dean is a sociologist, my vice-president is a chemist, my president is a philosopher, but every single one of them has stepped into the classroom and has stepped into the research realm and knows what I am facing when they make decisions about my situation and my job.

We see the damage that is done in the private sector and in the public sector with external management, management from the outside. I hear jokes about Manitoba Health, whereas, on the one hand, the minister sends speeches over to be edited for gaffes and, on the other hand, the minister makes internal decisions about funding and replacing positions at that department.

So I respect the current decision makers. I have decision makers who may not be mathematicians, but at least they have been there in the area of research and they have been in the classroom and they know what I face. We already have too much administration above us, to add a new layer of bureaucracy seems to be counterproductive.

My second point, and I am sure that many people have made this point to you, is that what happens in the classroom or what happens in the student's degree is very strangely related to what a student does on their job. Statistics are that the average person changes jobs seven or 10 times in their lifetime, depending on the statistics that you read, but people change jobs.

Do we want a situation where every time someone changes jobs, they have to go back for retraining, or do we want people who have already learned how to learn? That is my goal. When I train liberal arts majors, I train people to learn how to learn so that they can adapt to a new technology, to a new knowledge. I train people to critically think and to read technical material. For example, what will the Council on Post-Secondary Education think when I teach my students to play games? All right. Perhaps I teach my students to play games. Is that useful to the Manitoba economy?

* (1230)

Well, game theory is the basis of much economic theory. Game theory is the basis of quite a bit of theory in computer science and so on. For example, I plan to introduce a game in my algebra course this January. In this game the student tries to press coal into diamonds.

Well, the reason I introduced this game is because solving this game is the same exact process as error correction in digital codes in telecommunications. If I tell the student, point blank, this is how one corrects errors in digital codes in telecommunications, well, the student may know that fact, but if the student has to, in their job, take that knowledge and apply it to a totally new situation, they haven't had training in thinking outside the realm of what is expected.

So if I present this as a game, which may or may not garner the approval of the focus group proposed, then the students can see that knowledge that they currently have can be applied in a very surprising and different situation. For example, I will teach my students this January a technique using so-called Latin squares, and Latin squares were invented by Euler in the 1700s. Latin squares were invented just for the fun of it. But I will explain to them this January how they are used to reduce noise in cellular communications, a fact, a new result in research that probably is not even known at MTS. Yet, students in your

universities will find that out because the research was done 200-some-odd years ago and because I have the freedom to teach it to them as a game.

What does it matter to me, as a mathematician, whether I teach students a number system where one plus one equals two or I teach them a system where one plus one equals zero? Each has its own value and I am quite happy to teach either one, regardless of what its application is because I want to teach students to critically think. To bring in, to replace the Universities Grants Commission with a focus group with no guaranteed representation from any of these constituencies gives us a situation where I have to take the ideas that I present in the classroom and pass them before who-knows-who to see whether or not they will get funding the following year from COPE.

The third point that I want to make is that only researchers truly understand the serendipitous nature of research. For example, when I was an undergraduate, I took chemistry from the man who invented Teflon. Well, that sounds like a very nice product. It led to a lot of money. Teflon was an accident in a laboratory. The same man came up with another accident called 1-2-3 Jello, which was not so popular.

My president, my vice-president and my dean have all done research. They all know that research does not produce results, does not produce useful economic results right away. Much of the mathematics used in today's computer science and telecommunications was invented hundreds of years ago just for the fun of it. If we waited until the application came along to work on that mathematics, we would not have computers now, we would not have the Internet that we talk about so much nowadays. The mathematics is old, and it was called recreational mathematics and laughed at in the 1800s, and now it is found to be very, very useful.

Mr. Chairperson: You just have one minute left in your initial presentation

Mr. Martin: Okay. So I would say that I trust my current president to trust me to choose problems to work on in my research and make those problems available, those solutions available to my students and to industry.

Finally, I would like to just make a few comments on funding. A representative from the Manitoba Taxpayers

Association just spoke to you about overfunding of universities. I am not sure if he knows how much it costs to have a chair at the University of Winnipeg. It costs \$9,000 for my chair to be a chairman of the department. To have two chairs of mathematics in this city costs an extra \$9,000. If you want to ask me I will explain why. If you compare universities to private industry, compare the foyer at the University of Winnipeg to the foyer—

Mr. Chairperson: Time is up on your initial presentation. Maybe on questions you can have your point raised.

Mrs. McIntosh: Thank you very much for your presentation. You had indicated that you feel technology will be harmed because a council has been formed, and one of the things that has been stated repeatedly— and I would like your reaction to it and then I have one other question after that—in favour of the council is that technology will be able to be enhanced by the formation of a council because right now you have seven institutions developing their own systems, and one central co-ordinating body could assist them in getting together so that they all have systems that can interact better than they can do it individually. I concur with that. I think the best way to improve technology is to get some co-ordination, instead of seven entities going off on their own, to bring them together. I am wondering if you would comment on that aspect of technology, and then I have another question.

Mr. Martin: I will be very brief. I think you misunderstood my point. My point is the development of technology, I was not referring to infrastructure equipment on campus. I agree with you that we are sorely needing new technology on campus and that co-ordinating the efforts of the various institutions might save us some money. For example, in unified purchasing, we might be able to save some money in the purchasing of infrastructure on campus. I am talking about the development of new technology which is my goal with my students and my research.

Mr. Chairperson: Ms. Friesen, and then back to the honourable minister, if there is time.

Ms. Friesen: Thank you, Mr. Chairman. I was very interested by the aspects of innovation and teaching that you talked about and gave examples from your own work.

One of the assumptions that I felt was behind the Roblin report and which was also, I think, leading to part of this

bill is an erroneous assumption that universities are unchanging, that they have not changed, that they have not innovated, that they are merely, as this government would say, status quo institutions. I wonder, since we have a number of the members of the government here, if you might perhaps tell us how things have changed at the University of Winnipeg over the last five, six, ten years, the improvements that you have seen and perhaps the challenges that you face or the difficulties that you have.

Mr. Martin: I cannot speak to that in depth. I came to Winnipeg three years ago, and I took a substantial pay cut to come to Winnipeg. In fact, I should mention, I made more as a summer student at AT&T than I make as a professor at the University of Winnipeg.

I am sure that you can find examples of faculty members who are thinking and teaching the same way they did 10 or 20 years ago. I will not deny that the universities have dead wood, but the great majority of people, particularly new hires who are being hired below the national average in salary, are innovative teachers and bringing technology into the classroom in terms of teaching, bringing new results straight from the research into the classroom, especially—my knowledge is particularly in the sciences. This image of us teaching the same old mathematics is silly. It just reflects someone who has not looked in our department. The Roblin commission did not set foot in our department.

Mrs. McIntosh: I think you need not be so fearful. Some of the things people tell us, I am astonished they are telling us things as if they are not self-evident. I mean, some things are self-evident. I think you need to believe in your own values stronger than you do because I think if you do, you will understand that they are also evident to other people. I will just give you that reassurance. I think we are seeing a lot of fear here, that people do not think that we understand and appreciate the value of what they are doing or why they do it. We do. I just assure you of that.

I wanted to ask my second question, however, and that is, in terms of technology being developed then, you feel that that is your worry, that funding, because it will come through the council, from the minister through the council to the field, might damage the development of research and technology.

How then do you answer the fact that other presenters have said research and technology are doing better at

British Columbia when the money from there does not even go through a council? It goes straight from the minister straight in.

Also, do you feel that in the preceding decades the funding has been bad for research and technology, because this is the same methodology that is being used, to go from minister through UGC or from minister through council. It is just that it is going now not through two bureaucracies but through one. We are combining Colleges Secretariat and the Universities Grants Commission, not increasing bureaucracies, reducing them.

* (1240)

Mr. Chairperson: Is there leave for him to answer this question. We have just run out of time. [agreed]

Mr. Martin: There are a number of questions there. Let me try to order and answer them.

Your first reference is the development of technology. I am sure that some people feel that the new program, the proposed system, will increase the development and transfer of technology, but my point is that one cannot predict what will lead to technology. Developing a program at the university requires at least 10 years, at least 10 years to get the faculty who are knowledgeable in that area and to start to produce graduates. It takes four years after those graduates enter, and there are other factors involved, as well.

I am sure that the council will point to things like the Internet and point to things that are current technology and say, yes, we want more of that, but what about the technology 10 years from now? For example, my dean often speaks to people in the private sector and asks them, do the people you are hiring right now, did you know 10 years ago that you would need these majors, these people specializing in these areas? The majority of them say, no, we had no idea 10 years ago that this is what we would need in the 1990s.

So I am sure that if you get representation from business and so on, you will get people who will tell you what they need in 1996, and then you will implement funding, and the funding will affect programs, and the programs will affect students, and in 2002 you will get someone who knows something that is perhaps obsolete. The vision of

researchers and academics is greatly underestimated here. I have knowledge of the technological sector. I worked in the private sector, and I am now a teacher.

Can you reiterate the second part of your question, please?

Mrs. McIntosh: I think maybe you have answered in your response the various components of the question I asked. I just indicate that we are very conscious of the point that you just made. We are extremely conscious that when we are educating students in high school, for example, we are preparing them for jobs that do not even yet exist, and so we are concentrating on certain basic foundations and skills—technology, flexibility, problem solving, those kinds of approaches that will stand them in good stead, and I hope they are being taught at the university, as well. I believe they are.

Mr. Chairperson: Thank you very much for a very thoughtful presentation, Doctor.

Dr. Mark Gabbert. You may begin your presentation.

Mr. Mark Gabbert (Private Citizen): Thank you, Mr. Chairman. Let me say at the outset that I am not a disinterested party here. I teach in the Faculty of Arts at the University of Manitoba. I also have two young children, whom I expect to go to university, and obviously, anything that might have a negative effect on their opportunities is a matter of great concern to me.

Like many of my colleagues, like Manitoba's university presidents, like many of the students who have presented, I find Bill 32 to be troubling in a number of ways. It establishes an 11-member Council on Post-Secondary Education appointed entirely by the government, with no representatives from the colleges and universities. It deprives the universities, in its present form at least, of the right to establish academic policies. It gives the Minister of Education (Mrs. McIntosh) the right, through government-appointed council, to determine priorities in the provision of post-secondary education without any consultation with the universities, and it implies in Section 11(e) that the council can interfere in the evaluation of teaching, research and service.

I gather the government is currently considering amendments to Section 3 that would restore to the

universities the right to set academic policy. I understand they are also considering changes to Section II(b) that would require consultation with the universities when setting priorities. I hope these changes will be made, but even if they are, the most troubling sections of the bill remain. They are Section 4 and Section 14, and they represent a very disturbing extension of government power into the internal affairs of the universities.

Section 4 makes the council a creature of the Minister of Education and the government. It is the minister, after all, that sets out a framework of accountability, including determining the priorities the council must follow and coordinating the council's work with the "programs, policies and work of the government."

Section 4 would have the effect of subordinating the universities and colleges to political influence in a very serious way. The government appoints a council, gives it power to distribute funds to the colleges and universities, gives it the final say in setting priorities for Manitoba's system of higher education and then subordinates it to the "policies, programs and work of the government." There is not even the pretence here of an arms-length relationship between the government and the universities. There is not even the hint of a realization that the relationship between the universities and their funders is a very delicate matter of balancing public policy against the clear need for institutional autonomy if research and teaching is to be properly carried out.

Section 4 is troubling enough in its own right, but when you take it together with a provision in Section 14, its real danger becomes clear. Section 14 requires that the universities obtain written permission from the council before reducing existing programs. Moreover, when granting such permission, the council may impose whatever terms and conditions it sees fit. It may be objected that the former UGC act already required permission for the establishment and expansion of programs and that requiring permission for reductions is a small matter, but I don't believe this is true because what Section 14 implies is that whether the university wants to cancel a degree program and shift staff and resources elsewhere or whether it simply wants to drop a few courses, then permission must be obtained.

This is not just a practical nuisance, although it is certainly that, not just a matter leading to a little more

administrative work for deans, it is, in my view, a blatant interference in the university's right to make autonomous academic decisions regarding its existing programs and to do so on what it considers to be the best academic grounds, nor is it simply a matter of getting permission, for once the council becomes involved, it can exercise its right to impose conditions and terms.

Suppose that, to take an example, permission is required to cut an honours program and shift the department's resources toward more general undergraduate teaching, the council may agree, but with a few conditions. Staff will have to be fired, support for graduate students or library, computer facilities reallocated in another direction or laboratory resources so allocated so that the resources saved from the abandoned program are directed inside the university in a micromanagerial way by the council. Now on what grounds would the council make such decisions? What would qualify the council rather than faculty council and university senate, as is presently the case, to take what are essentially academic decisions affecting the universities intellectual line? Do not worry. Never mind. Relax. Article 4 has already seen to it that the council's terms and conditions will be such as to assure that they are coordinated with the quote, policies, programs and work of the government.

The fact that anybody wants to stick back into this bill that the universities are going to have control over policy is rendered totally nugatory by the fact that in Article 3 it is referred, Section 14 is cross-referenced. So when Article 3 tells us that there is no intention here to interfere with a university's right to set policies and programs except insofar and to hire people except insofar as it is affected by Article 14, all this is to say is that the university can manage its own hiring, its own policies, its own programs, until it wants to do anything and then of course the council will take over because Article 3 is totally subordinated to the language referring it to Article 14. You do not have to be a rocket surgeon to figure that out.

The plain fact is that Articles 4 and 14 trample underfoot the principles of institutional autonomy and academic freedom and they both undermine the effective functioning of the university and they weaken practices in institutions that are essential to a free society. Not only that, they guarantee mediocrity and disruption in the development of programs as one government cuts and then the next one comes and funds and another one cuts and another one

funds. In the past, there has been a rough balance between the priorities of whatever government has been in power and the institutional autonomies of the universities. For all of its fault, the old UGC language had a cautious tone when it came to describing what government could do. The tone is totally different. Yet nothing in the current legislation has prevented governments from giving special funding to university programs that they have prioritized. This has happened. Nothing has prevented them from simultaneously chopping the global grant to universities which has happened on a regular basis year after year after year and forcing the universities to make painful readjustments to programs.

* (1250)

In all of this, however, the universities have at least maintained the minimal authority and responsibility to decide how to deal with cuts, and they have done so on the basis of academic priorities and out of concern to maintain an adequate range of programs for the young people of Manitoba. There are no good reasons for changing this approach. Universities have to continue to have the autonomy necessary to cope with downsizing without outside interference and on the basis of sound academic principles.

Few academics want to work in an environment where university life is governed by the changing policies of successive provincial governments instead of according to sound academic and professional standards. High quality teaching and research cannot survive where an institution is compelled to follow politically determined priorities and where programs are here today and gone tomorrow. The young people of Manitoba have the right to post-secondary institutions that operate according to international standards. Academic freedom and institutional autonomy are essential if these standards are going to be maintained and the excellence of Manitoba's post-secondary education depends upon this.

Mr. Chairperson: Two minutes.

Mr. Gabbert: As a parent, I want my children to have access to genuine university education. I want them to be taught by professors who have academic freedom in an institution that controls its own intellectual destiny, that sees itself as part of an international scholarly community. I want them to have the best preparation for jobs possible in

the global economy, not just in fields that might be particularly relevant in the opinion of some particular minister to Manitoba's problems. I do not want them to be forced to leave the province because successive provincial governments have used Bill 32 to mutilate the universities, because they have over and over again as a matter of policy cut this program, established another one, abolished entirely yet others.

In short, I want the universities to be able to decide what is the most appropriate use for scarce funding because only they are in a position to make these kinds of decisions on academically sound grounds.

In conclusion, at the very least Sections 14(2) and (3) need to be modified to restore to the universities their control over existing programs. If that language is not changed, it does absolutely no good to reinsert in a kind of contemptuous way some right for the universities to have control over their policies.

Finally, Section 4 should be abolished entirely. It is absolutely unacceptable, it seems to me, to give the government the power to regulate the work of the council according to their programs, priorities and so on of the existing administration. There has to be an arm's length relationship established here.

These measures alone, it seems to me, will go some way toward righting the balance between public policy and university autonomy that presently Bill 32 threatens to destroy. Thank you, Mr. Chair.

Mr. Chairperson: Thank you, Dr. Gabbert.

Mrs. McIntosh: Yes, thank you. I assure you, we are not being contemptuous in reinserting the word "policy" at the request of the universities. We were doing it out of consideration for them because they said it was extremely important, and you tell me it is completely negative and contemptuous. We could take it back out if you are speaking on behalf of the universities, but you are not. You are speaking as a private citizen. You have made that clear

I want to ask you something about the new Clause 14. As you know, from comparing The Universities Grants Commission Act with The Council on Post-Secondary Education Act, that 14 in the new act is referring back to No. 16 in The Universities Grants Commission Act.

Do you have The Universities Grants Commission Act in front of you, you could refer to it with me?

Mr. Gabbert: I am aware of what is in it.

Mrs. McIntosh: So 16 in The Universities Grants Commission Act is the new 14 in the council act. Now, you say that Bill 32 will be a blatant interference of universities' ability to make autonomous decisions, using this as an example, and you said the UGC by comparison had a cautious tone on these things.

Let me read you what The Universities Grants Commission Act said that we took out and tell me again if you feel it is less strong or cautious compared to what you have read about 14 into the record. [interjection] I think it is important that I spell it out to you, please.

The Universities Grants Commission with the what you call its cautious tone—

Mr. Gabbert: Sorry, which article are you reading from?

Mrs. McIntosh: Section 16(3) in The Universities Grants Commission Act. It says: "The commission 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 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; and the university or college, as the case may be, shall comply with the requirement."

It also, of course, has the same clause that 14(2) is now, identical word for word except that we have added the word "reduce." The reason we have added the word "reduce" is twofold. One, they get written approval to reduce now. Before, the commission could just say, reduce it, we do not like it, we do not have to give you a reason, we do not have to consult with anybody, and you will have to do it. How in the name of all that is holy do you explain 16(3) being less cautious and less intrusive than 14(2)?

Mr. Gabbert: Well, first of all, I do not claim to speak for all that is holy, but let me address a couple things. With respect to the matter of policies, yes, it is positive that the word "policy" should be reintroduced into the legislation, but it becomes relatively meaningless if, in fact, you have

cross-referenced article 3 to article 14 in ways that make it clear that the government can intervene to fiddle with policies, programs and hiring in a situation where they are stipulating circumstances under which reductions could take place.

I do not think there is anything peculiar about this reading of the matter. The fact is that in the old Universities Grants Commission legislation, in Section 3, the intention makes it very clear this is about fiscal matters and is not intended to interfere with the universities' right to stipulate programs and policies, hiring and so on. Now, what article 3 in the current Bill 32 does is say the same thing except it says, except Section 14 whatever it is, 2 or 3, whichever it is, where we had the right to regulate programs.

In those circumstances, what can the legislation mean except that in those cases the universities will be told, possibly, who they can hire, how they can use the money that has been saved and so on. If you do not think that is the case, then cross out the cross-reference and we will be happy.

With respect to Section 16, again, the fact of the matter is that here it is a matter of telling the universities that they may have to make a substantive argument. The onus is on them to argue—[interjection] Wait a minute, to argue to the Grants Commission. Even then the Grants Commission may decide they are going to abolish a program, but after they do that it is up to the university to redistribute whatever kind of internal funds and resources are left over. There is no indication here that any council or Grants Commission or anybody else goes into the university and sets stipulations on how they are going to reduce that program and what they are going to use those resources for.

So do not tell me that because you have taken a few of these phrases out that somehow or other you have improved the new language from the point of view of protecting university autonomy. I do not see that that is the case at all. When you tell us how we are going to downsize, how we are going to cope with the diminishing resources you leave us with, you are undercutting our rights to manage the programs we have got, and you are giving yourselves the rights to micromanage the university. It is perfectly clear in Section 3(2). If you do not want that to be the impression then get rid of the reference to Section 14.

Mr. Chairperson: Time has expired. I thank you for that.

Ms. Friesen: Oh, Mr. Chairman. I had my hand up, and I think you recognized me before.

Mr. Chairperson: Is there leave given to Ms. Friesen to pose a question?

Mrs. McIntosh: One question.

Mr. Chairperson: We are rising at one o'clock, so real quick.

Ms. Friesen: Thank you, Mr. Chairman. I wanted to thank Professor Gabbert for his presentation and particularly for pinpointing so forcefully to the minister and to the others at the table what I think so many presenters have been saying, which you have put it very clearly, and that relationship between Section 3 and Section 14 I think was made well.

I wanted to ask you in connection with that what you think 14(2) means or how you think it might be interpreted,

the program of study, service or facility? How do you think such a body might interpret those elements?

Mr. Gabbert: When you refer to a program I guess they define program as a series of courses leading to a degree, a service or a facility, I suppose, libraries, laboratories, whatever. I mean, all of these things, it seemed to me, are on the block here. Again, the definition of a program, it all depends on what kind of an argument you made about what a program is. Is it the degree in history or is it the degree in Canadian history or is it the degree in modern world history or is it the degree in 16th Century literature or is it just a degree in English? We do not know. I mean, that is not defined here, any course of studies leading to a degree.

Mr. Chairperson: The hour being one o'clock, the committee shall now rise as agreed.

COMMITTEE ROSE AT: 1 p.m.