

Academic Freedom, Shared Governance and the Role of Post-Secondary Education

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Academic freedom can be perceived to be a nebulous concept. For clarity's sake in the context of this paper I am defining academic freedom as "the freedom to research and teach without fear of reprisal, including the loss of one's job, for one's viewpoint" (Alfino 2014, 440). As librarians and academics we often take for granted our ability to write and speak on any areas of interest. Outright challenges to academic freedom are perpetual and the foreseen result of speaking out on critical issues in a public manner. Michiel Horne states that "The history of academic freedom in Canada is in part the history of the relatively small number of professors who, in expressing their professional or personal views, found themselves at odds with received wisdom in religion, morality, business, economics, politics, or university government" (Horne, 27).

An example of such a challenge is the very recent situation at the University of Saskatchewan. Dr. Robert Buckingham, in his role as Director of the School of Public Health, publically spoke against the restructuring plan, TransformUS developed by the University of Saskatchewan administration. He spoke out against the consolidation of the School of Public Health (which was thriving) with the School of Medicine (which was not). Dr. Buckingham had previously expressed his concerns to the university's administration about the possibility that the consolidation would affect the accreditation of the graduate programs within the School of Public Health. After being told in a meeting that he and other senior university leaders had to publically

support the TransformUS process or risk a “short tenure,” he outlined his concerns in his *Silence of the Deans* document which then went public.

The following events have played out over the last two weeks. On May 14th, 2014, Dr. Buckingham was told that he had violated his terms of employment by speaking publically and that he was fired as the Director of the School of Public Health. He was also told that his tenure was revoked, and that he was banned from campus. A letter from the Provost stated that he was being dismissed for insubordination and because he had “destroyed his relationship with the senior leadership team.” The firing of a tenured professor for these reasons was a clear message by the administration to silence critics.

The initial outcry was immediate and intense; the Canadian Association of University Teachers demanded Dr. Buckingham’s immediate reinstatement. The following day, President Irene Busch-Vishniac apologized and offered to reinstate Dr. Buckingham with tenure but not as the Director of the School of Public Health. The resignation of the Provost Brett Fairbairn followed on May 19th, immediately preceding an emergency meeting of the Board of Governors. The Board of Governors announced on May 21st that Irene Busch-Vishniac was fired as President of the University of Saskatchewan. They suggested that recent events played into their decision-making process. As of May 21st, Dr. Buckingham has accepted the offer to return to the University of Saskatchewan and is appealing his removal as Director of the School of Public Health (Saskatoon Star Phoenix 2014). The acting president, Professor Gordon Barnhardt of the Political Science department suggested that TransformUS may be revised and processes will be more deliberative. If we use Alfino’s definition of academic freedom, Dr. Buckingham’s continued loss of his Director position would only be a partial victory for academic freedom.

One of the reasons that this is such a fascinating example of academic freedom is that Dr. Buckingham is a clear hero figure and the university administrators are the cartoonish villains. Most restructuring initiatives occurring on Canadian and American campuses are less

clearly delineated into good and evil camps. Something that I find very interesting is that there was no questioning of why the TransformUS process was necessary but rather the focus was on the clumsy and dictatorial manner in which it was being implemented. Post secondary education in Canada is fighting for its economic survival with every provincial budget. Politicians who seem primarily concerned with re-election are suggesting that universities need to prove their worth and provide a better return on investment. Why did it require Dr. Buckingham risking all before the obvious concerns were addressed by both external and internal actors? Did the university administration consult with faculty or did they use neoliberal rhetoric of economic necessity as justification?

Post-secondary funding in Canada is complicated by Canada's constitutional structure. Responsibility for funding post-secondary education was initially shared between the federal and provincial or territorial governments. Canada built an enviable post-secondary system between World War II and the 1970's vastly increasing the number of institutions and students. In that period the federal and provincial/territorial governments shared equally in funding post secondary education. However beginning in the 1980's, the federal government began reducing its share from 0.5% of GDP in 1983 to 0.33% of GDP by 1989. Most provincial and territorial governments other than Quebec, chose to increase tuition fees rather than make up the difference.

In 1995 the Canadian federal government slashed social spending to reduce the deficit and changed how post-secondary funding was structured. Rather than providing the previous Established Program Financing EPF funding, it moved to the Canada Health and Social Transfer CHST model where post-secondary education funding was grouped with health and social program funding. The end result was that the provincial/territorial governments then had to set their own funding priorities with this money transferred by the federal government. Federal funding had by 2000 fallen to 0.14% of GDP from 0.5% of GDP in 1980 (Canadian Federation of

Students 2013). Unfortunately provincial governments continue to reduce funding to post-secondary education, often while freezing or restricting tuition increases.

Alberta is unusual amongst Canadian provinces and territories. Alberta is one of Canada's youngest provinces, founded in 1905. Since that time Alberta has had political dynasties that have, in some cases, lasted decades. From 1905 through 1921 the Liberal party formed the government of Alberta. From 1921 through 1935 the United Farmers of Alberta formed the government. The Alberta Social Credit Party formed the provincial government from 1935 through 1971. Since 1971 the Progressive Conservative Alberta Party has been elected to power in every election. For the past one hundred years power has been held in Alberta by conservative, overtly Christian (Social Credit), pro-business political parties. This created a political environment that not only rewards individualism but is structurally set up to support neoliberal policies.

Alberta is one of the few Canadian regions without a provincial or harmonized sales tax (PST/HST) and it has a flat income tax of 10%. Heavily dependent on energy exports, the provincial government frequently runs what is termed a boom and bust economy. When energy prices are high, the Alberta government goes on a spending spree and when prices decrease we all feel the pain. In my lifetime I have seen this cycle numerous times; the latest occurring after the 2008 banking crisis in the United States.

Alberta has several options to increase its revenues but chooses not to initiate them in order to remain economically competitive. A 2011 report from the Parkland Institute, *Fixing What's Broken* outlined how Alberta could develop fairer and more sustainable revenue streams. Greg Flanagan, the author of the report, is a public finance economist who has taught economics for several Alberta post-secondary institutions. These changes to current policies would be challenging but they are possible.

- Public priorities should determine spending and tax levels not political expediency;
- Increase resource rents and savings;

- Institute a continuously progressive income tax;
- Stop the downward spiral in corporate taxes;
- Raise gasoline and fuel taxes;
- Introduce a carbon tax/levy;
- Institute a sales tax (Flanagan 2011, 9-10).

Provincial or territorial governments hold jurisdiction over how post secondary education is structured and supported. In the province of Alberta every post secondary institution has a charter that outlines its function and scope. In 2009 the Province of Alberta changed the charters of some community colleges into those of universities. Mount Royal College in Calgary became Mount Royal University, and in Edmonton, Grant MacEwan College became Grant MacEwan University. One of the reasons for doing so was that the major universities in these centres - the University of Calgary and the University of Alberta - could not meet demand for their programs. Unfortunately, after expanding and adding bachelor degree programs, these institutions did not receive the funding they needed to fully support these expanded programs.

Perhaps it was not terribly surprising when Alberta's post secondary institutions were told in 2013 that rather than receiving a 2% increase in operating budget funds, there would be a 7% cut to provincial funding instead. Even as Alberta's universities, colleges, and technical institutes were staggering from this news, the Minister of Enterprise and Advanced Education, Thomas Lukaszuk further informed them that they would be receiving mandate letters from the province. These letters would inform each institution of the province's expectations. These letters of expectation, as they were renamed, were almost identical for each institution and were criticized for their vagueness.

The Alberta government's messages were mixed and confused. The Minister of Enterprise and Advanced Education seemed to believe that there was too much choice in Alberta's postsecondary options. "What we have right now is an orchestra of some virtuosos —

they are fabulous at what they do,” he said. “I would put our post-secondary schools against any others in the world, but, unfortunately, this orchestra doesn’t have a conductor and they’re all playing their own tune and they’re off-beat” (Nolais 2013). What the province seemed to want was more centralization of programs like engineering and education in fewer institutions. The rationalization was that this would help reduce inefficiencies in program administration and thereby save money. In expanding the number of Alberta universities in 2009, an increasing number of competing programs were created, contributing to the problem that the government itself later identified. In effect they were asking the post secondary institutions to bear the costs of their failed experiment and not to question why these changes were necessary.

The province agreed to revisit the mandate letters in the fall by which time they had been renamed “expectation letters.” Again the individual letters were relatively similar but the Comprehensive Academic and Research Institutions (University of Alberta, University of Calgary, University of Lethbridge) had specific research goals that would not be out of place in the business world. These would not necessarily be the goals of an academic institution or as Robert Birnbaum states, “. . . the essential debate may not reflect differences about how a university should be governed, but rather conflicting ideologies and differences in belief about what a university should be.” (Birnbaum 2004, 8)

The Government of Alberta has frequently had a contentious relationship with labour groups. In the fall of 2013, they introduced Bill 45: *Public Services Sector Continuation Act* and Bill 46: *Public Service Salary Restraint Act*. These bills, if they had passed, would allow the government to circumvent a legally binding arbitration process to achieve wage freezes, increase the fines for illegal strikes or strike threats, and restrict related speech. The Progressive Conservative majority government wanted to push the legislation through in a few days. Resistance was immediate and bipartisan with members of all opposition groups officially condemning at least sections of the bills. Bill 45 and Bill 46 were passed by the legislature but

were not proclaimed, the final stage. The Alberta Union of Public Employees (AUPE) was successful in getting an injunction against Bill 45, while Bill 46 has disappeared from discussion.

The province had also sent another communication to the Chairs of the Board of Governors for each post-secondary institution: a letter outlining what the province expected university administrators to offer in negotiations with their labour units. The province's recommended salary increases were 0% the first year, 0% the second year, 0% the third year, and 2% the final year of a four year contract. These suggestions for negotiation amounts were not followed and several public unions have been successful in negotiating better agreements.

It would seem that the Province of Alberta will keep probing to find weaknesses and to take advantage of them. It is striking that post secondary institutions bore the brunt of the 2013 cuts but in a reversal some of the funds that had been cut were returned. If the universities had simply acquiesced to the province's demands they would have sent a clear message that the province could influence their decision making. John F. Graham points out that universities themselves may have created the situation by leaping at both government funding and allowing businesses to dictate training and research needs. In an environment where tuition and fee increases have become an annual event, funding agencies are being ever more directive with their programs, and faculty are evaluated on their financial worth to the institution, what are the alternatives?

Shared governance requires both academics and administrators to acknowledge the other's very different role. Administrators require academics to accept their legal authority and administrators need to accept the professional authority of the academic. This dance is critical to the success of the institution and when it is out of balance there is discord. The University of Saskatchewan case is a blatant example of the balance falling to the administration side. It is far from the only post secondary institution in Canada where fear is causing faculty and academic staff to hold back. Speaking with a senior faculty member at the University of Calgary

I was told that they had given up on the idea of shared governance but wouldn't speak out. If tenured faculty feel unsafe to speak, how can those without the protection of tenure do so?

There are suggestions that shared governance is too inefficient and cumbersome. Robert Birnbaum points out that this based on questionable assumptions, ". . . first, that today's colleges and universities have not been responsive enough, and second, that speed in making decisions is an asset in academic institutions." Quite obviously in the case of the University of Saskatchewan, speed of change was one of the primary concerns.

One of the areas that I see as an area of concern is the rush to internationalization initiatives. The University of Calgary has recently approved a plan to expand the number of international students. One of the previous possibilities had been to hire a third party to recruit students and to hire faculty to teach them from outside the collective bargaining unit. The General Faculties Council asked the committee to slow down the process and to determine an appropriate approach moving forward. In this situation shared governance fulfilled its role and faculty concerns were grudgingly heard by university administration. Small victories need to be celebrated if only to gain strength for the larger fights ahead. Faculty, librarians, and academic staff need to push back when both government and administrations attempt to minimize our role in decision making. We need to not let these things slide so that they may not accumulate into a capitulation of shared governance. If we don't resist these pressures who will? If we aren't willing to participate in our institutions' processes, we are heading down a road where academic freedom and tenure will cease to mean anything.

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