



March 20, 2018

Professor L. Beagrie,
Chair, Senate
York University
4700 Keele Street
Toronto, Ontario M3J 1P3

BOARD OF
GOVERNORS
4700 Keele St.
Toronto, ON
Canada M3J 1P3

Dear Professor Beagrie:

Thank you for reaching out and seeking input from the Board on the question of continuation of classes during the current labour dispute. It is apparent from the special meeting of Senate held on March 8, 2018 and the email traffic on the Senate-D listserv that this issue is of interest to many Senators. Please be assured it is also a significant matter for the Board and was the subject of a special Board Executive Committee meeting last week.

I suspect we can all agree that labour strikes such as this one have a substantial impact on everyone in the York University community. The students who rely on CUPE3903 instruction and academic support face risks to attainment of their education in a timely manner which can have several effects on them. Small business owners operating on campus experience losses that adversely affect their staff. The university's progress in attracting and retaining student, faculty and staff talent – progress made through the collective efforts of thousands of dedicated staff members – is slowed. Faculties, their full-time members and indeed Senate are all affected by the need to develop and implement modifications to academic activities. Members of CUPE3903 lose pay and are separated from the work to which they are undoubtedly very committed. Given all this, the bargaining process is taken very seriously by the University and, I trust, CUPE3903.


Whether in the public or private sector, few events have a more profound effect on the affairs of an institution than a labour dispute. As noted above, it impacts on all aspects of the University's operations no matter how directly they are associated with teaching and learning. Oversight and accountability for the conduct and operation of the University rest with the Board of Governors.

s. 13, 18(1)(e) and (g)

We acknowledge and respect the critical role Senate plays in a strike under its authority over academic policy. There are significant decisions to be

undertaken to meet expected learning outcomes for courses and programs and to ensure faculty members can effectively evaluate students' mastery of the material. I understand the Senate Executive Committee is currently working on a series of remedial options for this very purpose. The importance and complexity of those efforts cannot be overstated. We also appreciate that there may be individual instances in which, based on unique circumstances, a course cannot continue to operate. However, with the greatest respect, Senate's authority over academic policy does not extend to wholesale cancellation of classes. The mere fact that the decision to continue classes may affect the educational experience of students and faculty does not convert that decision into one concerning academic policy, or academic integrity, within the jurisdiction of Senate. Efforts to pass motions in faculties or Senate asserting authority do not properly respect the powers assigned to the Board by the *York University Act, 1965*.

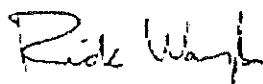
s. 13, 18(1)(e) and (g)



The majority of governors are independent external members who, unlike most Senators, receive no salary or other remuneration. We volunteer our time, knowledge and expertise for the benefit of the university and all its stakeholders; current and future students, staff, alumni, donors, and the public at large. We have a fiduciary responsibility to the university and all its stakeholders that calls for the highest standard of care and protection of all stakeholders in the public interest. It is our duty to protect the reputation of the University for current and future generations and to preserve its ability to attract talented academics and staff and well qualified students. The Board's extensive statutory responsibility for the conduct, management, control, business and affairs of the university is exercised within this essential arms-length framework.

I would be interested in discussing with you some feasible options for ensuring that, now and in future, the respective roles of Board and Senate are respected and decisions to keep the university open in a strike are effectively implemented. Perhaps a working group comprised of representatives from each of the two Executive Committees could be tasked with undertaking such an initiative. I welcome your thoughts moving forward.

Sincerely,



Rick Waugh
Chair, Board of Governors
York University