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TO: All MUNFA Members

FROM: The MUNFA Executive Committee

DATE: August 18, 2023

SUBJECT: MUNFA Board of Regents Appointments

On July 5, 2023, the Lieutenant Governor in Council (LGIC) appointed two academic staff members (ASMs) to Memorial University's Board of Regents (BoR) for the first time. This followed years of advocacy from MUNFA members and was a small step towards bettering the collegiality of this university. The Executive has raised concerns with this arrangement and the restrictions facing those who were appointed. The intention of this Information Bulletin is to offer clarification and work to determine next steps.

MUNFA's Initial Asks

MUNFA has been fighting for improved collegial governance at Memorial University for decades. It was a [key theme of the January/February job action](#) and it continues to be a primary item in [MUNFA's agenda for reform at Memorial](#). Up to this point, explicit restrictions outlined in the MUN Act precluded ASM representation on the BoR. Changes to the MUN Act could only be made with changes to provincial legislation. As stated in the [February 1 press release](#), a seat on the BoR was welcome but insufficient for true collegial decision-making, and introduced primarily as a tactic to take needed pressure off of the Administration during strike action.

The Restrictions to Collegiality

Prior to the recent amendment to the MUN Act, "teaching staff" were forbidden from being representatives on the BoR. This simple change however, allowing ASMs to be appointed to the BoR, did not permit true collegiality and will not without extensive further revisions. The [division of seats](#) on the BoR includes Senior Administration, elected alumni, students, but by vast majority, it is made up of 17 seats appointed by the LGIC. The recent amendment to the Act did not give MUNFA or any other union on campus specific seats, but rather allowed the LGIC to choose to appoint individual ASMs as part of the 17. This created a precarious arrangement

where ASMs will not be guaranteed seats on the BoR and workers have become dependent on the LGIC to appoint whoever it deems fit. The MUN Act further states that the LGIC can remove a member from the BoR at anytime. See MUNFA's submission for a [Review of the MUN Act](#) for a full explanation of changes to the Act necessary to support true collegial governance.

Beyond the MUN Act, the Executive raised several additional concerns with the restrictive structures within the BoR itself. The BoR's [Code of Conduct](#), [Bylaws](#), and [Conflict of Interest](#) policies all raised red flags. Strict confidentiality agreements impede transparency with greater membership regarding ongoing BoR conversations and decisions. Additionally, BoR members **“must not be publicly disparaging of the University, its President and Senior Leadership, and others who make up its community be they fellow Members, Employees, Students, or other associated parties.”** The Code of Conduct utilized is clear that non-compliance of the BoR's strict confidentiality agreement and/or other conduct policies could result in warnings, suspensions, or removal from the BoR. The Conflict of Interest clauses raise further concerns regarding potential manipulation to facilitate exclusion of ASMs from any decisions regarding Senior Administration as their “employer”.

Knowing this, a dichotomy was created where the MUNFA Executive both understood the structural issues of collegiality within the BoR and the MUN Act yet also recognized the significance of having a voice at the table to advocate for needed reform.

The Conversations with Government

On April 20, MUNFA attended a meeting with Premier Furey. In addition to the Premier and two of MUNFA's Executive members, the Deputy and Assistant Deputy Ministers of Education, the Chair of the BoR, President Bose, and executive members of MUNSU were present. At that meeting, the Premier indicated that the provincial government was serious about ASM representation on the BoR. The Premier insisted this was a first step to improving the relationship between all of the respective bodies in the room and that further concerns would be addressed down the line.

On April 25, MUNFA had a follow-up meeting with then Education Minister Haggie. In this meeting, the Minister shared that [a proposed amendment](#) to the MUN Act was going to be brought forward to the House of Assembly to allow “teaching staff” to be appointed to the BoR. Again, MUNFA repeatedly demanded a complete revision of the MUN Act to address the significant concerns in reference to transparency and collegiality. Minister Haggie expressed that such changes would not be possible until the Attorney General completed its report on Memorial's internal spending. He stated that the proposed amendment could be an interim measure on the way to a full-scale review. Concerns were raised that an interim measure would become permanent and MUNFA suggested a compromise of one-year appointments to put a

deadline on a full review of the Act. Minister Haggie expressed that a one-year appointment may not be possible as the Act specifies three-year appointments for LGIC-appointed seats. He further asked that MUNFA provide him with a list of potential nominees to the BoR in haste to move the process along.

On May 2, MUNFA was made aware that the government's proposed amendment was going to be imminently brought to the floor of the House of Assembly. The MUNFA Executive held an emergency meeting to discuss the significant challenges posed by the deadline, which would not allow for a full democratic election process with the greater membership. The Executive also expressed concerns about the exclusion of partner campus unions. To address the issue of democratic engagement, the Executive decided that each of the nominees would be ASMs who were currently occupying elected roles. **In other institutions across the country, it is common for the elected representatives of Faculty Associations to be the representatives on their respective BoR or Board of Governors.** It was further decided that there would be a concerted effort to include partner unions, LUMUN, NAPE, and CUPE. On May 3, the government made [the announcement for proposed amendments](#) to the Memorial University Act. This amendment confirmed that ASMs now had the opportunity to be appointed as one of the LGIC's 17 seats but were not guaranteed representation. On May 4, following consultation with partner unions, the Executive sent the names of seven elected reps spread across these unions to Haggie's office as nominees. This list included three nominees from MUNFA St. John's, one nominee from MUNFA Grenfell campus, one nominee from NAPE, one nominee from CUPE, and one nominee from LUMUN.

The government returned and asked MUNFA to rank the seven names provided. The Executive insisted that it would not be possible to rank them because each of the seven names represented different but equally important facets of this university. The Executive would not prioritize one over another nor would they participate in driving a wedge between partner unions. Solidarity is the most important tool for achieving genuine collegial governance.

Escalating Pressure

In late May, the proposed amendment to the MUN Act received Royal Assent through the House of Assembly now allowing ASMs to be appointed to the BoR. Weeks passed and there was radio silence from the Department of Education on the submitted nominees despite the urgent deadline initially presented. On June 29, MUNFA sent [a letter to Minister Krista Lynn Howell](#) requesting an update on the submission. There was considerable concern that ASMs would not have representation for the July 6 meeting, resulting in an unacceptable delay until the next meeting of the Board in October.

On July 5, MUNFA put out a [media release](#) regarding the lack of movement on Board representation. That afternoon, due to extensive pressure from MUNFA, President Ash Hossain received a phone call from the Assistant Deputy Minister of Education. She informed him that of the seven names submitted, the LGIC had appointed two: MUNFA-at-Large member Nathalie Pender of Grenfell Campus and himself. A [President's Update](#) was issued on July 6. The specific restrictions, as outlined above, apply to them both as general members on the BoR.

Where To Go From Here

As elected members of MUNFA's Executive both Pender and Hossain recognize the need for significant changes to Memorial's governing structures. They are both committed to fighting for MUNFA's aims of increasing transparency, accountability, and collegial governance within this university. Their perspectives on the BoR will emphasize the need for change and a university that prioritizes the students and staff that form its backbone.

Pender's term on the MUNFA executive will be up as of September 1st, 2023. Hossain, MUNFA's current president, will become MUNFA President-Elect on September 1st, 2023, and will be President again come September 1st, 2024. Due to the conduct and confidentiality restraints imposed on members of Memorial's Board of Regents, which are far more restrictive than those adopted at many other Canadian universities, it is clear that there are significant challenges that remain within this structure. Both Pender and Hossain were appointed to the BoR as general members, one of the 17 LGIC seats, for a three-year term.

Following extensive discussion amongst the Executive regarding these challenges, in the interest of transparency and collegiality within the union, **MUNFA will be holding a town hall on this issue to discuss this matter and decide the next steps to be taken.**

The town hall will be entirely virtual to encourage robust representation and will take place in the **third week of September**. This town hall is an opportunity for ASMs to share their feedback on this process, share questions and concerns, and receive clarification from the Executive.

More information with specifics regarding the town hall will be sent out in the coming weeks.