

TO: All MUNFA Members

FROM: The MUNFA Executive Committee

DATE: August 4, 2008

SUBJECT: Search for New President of MUN

MUN's search for a new president became of national interest with the July 26th *Globe and Mail* article about government interference in the selection process. The story took a turn on Tuesday, July 29, when Education Minister Joan Burke announced at a press conference that she had interviewed two of the shortlisted candidates and instructed the search committee to continue searching. This happened before the search process had reached its normal conclusion and threw into chaos MUN's search for a new president.

In an interview on July 30, MUNFA's president-elect pointed out that the Minister's involvement in the process was not only at variance with the Memorial University Act (RSNL1990 CHAPTER M-7), but a threat to academic freedom and that it would make finding a high-quality replacement for Axel Meisen even more difficult. Much of the commentary and dialogue that followed has supported and reiterated our key points.

This matter is of critical importance to MUNFA for three reasons.

Autonomy

The Memorial University Act clearly states in section 38.1 and 38.2 the customary autonomy of the university. This autonomy extends as far as providing that "Where a committee of the House of Assembly conducts an examination of a matter pertaining to the university, the chancellor, the president, the chairperson of the board and the vice-presidents and other officers and employees of the university are not compellable to attend as witnesses before the committee" and that "a failure to respond to a summons by the committee does not constitute a contempt or breach of the privileges of the House of Assembly."

The Memorial University Act carries this autonomy into the process for appointment of president. Section 51 states: "There shall be a president of the university who shall be appointed by the board in consultation with the senate and with the approval of the Lieutenant-Governor in Council." The Act accords no authority to the Minister of Education to interview candidates on a short list, much less to reject a candidate before the search committee has completed its work and a recommendation be considered by the Board of Regents in consultation with the University Senate. The Minister of Education in her August 1 press release implies that "approval of the Lieutenant-Governor in Council" is something more than the formality it is -- all provincial appointments are by the "the Lieutenant-Governor in Council" but that does not mean, in practice, that government chooses the appointee; merely that it ratifies the recommendation from the appropriate body.

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The importance of autonomy is obvious. Universities, if they are to fulfill their roles, must be free of political influences and outside pressures. This is a widely recognized and respected value the world over. The loss of autonomy brings back the times when universities were under tight control by the church. Church doctrine served as the template for what may be taught and as a litmus test for who should and shouldn't be employed.

Academic Freedom

The loss of autonomy poses a serious threat to academic freedom. This has two sides. One is that if government directly interferes in the selection of a president, they may also interfere in other activities and processes in the university, including but not limited to hiring decisions, decisions about curriculum, and decisions about promotion and tenure.

The second side of the problem is if government chooses the president there is risk that in the president's role of the chief academic officer (who must consent to all decisions around hiring, promotion, and tenure) s/he may make decisions based on whether they support the government agenda. This potentially has a chilling effect on the freedom to undertake research that disagrees with or is critical of government, undermines creative pedagogical methods, and may have direct impact on courses and fields of study offered.

In her press release August 1, the Minister of Education obfuscates the situation by saying that government has not violated academic freedom and then quotes part of CAUT's definition of academic freedom. She fails to see that they violated institutional autonomy, not academic freedom. She conflates the two -- failing to quote the final paragraph of the CAUT policy on academic freedom:

"(6) Academic freedom must not be confused with institutional autonomy. Post-secondary institutions are autonomous to the extent that they can set policies independent of outside influence. That very autonomy can protect academic freedom from a hostile external environment, but it can also facilitate an internal assault on academic freedom. To undermine or suppress academic freedom is a serious abuse of institutional autonomy."

Prospects for Attracting a Suitable Candidate

Government's intervention in the selection process has serious implications for the University's ability to attract a quality candidate for president. As early as late April, rumours circulated nationally that the government had vetoed candidates. The reputation of the University, which had been significantly raised under Dr. Meisen's tenure, was already eroding. Recent media attention and the government's admission that it intervened in the process made the situation even worse. While government says they want a person who would bring a "buzz" to MUN, actions by the Minister of Education have caused a buzz that makes the university unattractive to the type of person who could lead MUN into the next decade. We need a president who will enliven the university community; support exploration and learning; stimulate creativity in research and pedagogy; and who will work as an advocate for the university community—not an advocate for government.

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MUNFA would like to see the search process get back on track. In the short term, the search committee must be permitted to do its work without outside interference and the process needs to follow that which is prescribed by the Memorial University Act. Allow the search committee to make a recommendation, the Board of Regents to make a recommendation in consultation with University, and then have the appointment approved by the Lieutenant-Governor in Council.

MUNFA further believes that the long-term solution to this problem of political interference in the affairs of MUN is an amendment to Section 51 of the Memorial University Act. This amendment should remove that requirement for approval of the selection of president by the Lieutenant-Governor in Council.