

RESOLUTION: CASCA Opposition to Nova Scotia Bill 100, and support for CAUT and Dalhousie FASS Faculty Council Motions

Whereas,

Nova Scotia Bill 100, the *Universities Accountability and Sustainability Act*, was introduced in the Nova Scotia Legislature on April 22nd, 2015, and given Royal Assent on May 11th, 2015. This legislation permits universities to produce a “revitalization plan” to qualify for funding from the Province, in situations where they declare as little as a one-year operating deficit. CAUT has stated that if adopted, this legislation would “violate constitutional rights, undermine the independence of universities and compromise academic freedom.”

- The “revitalization plan” would give the Minister the power to attach conditions to university grants that will override job security protections and impose government priorities for teaching and research, including “turning research into business opportunities.”
- Academic Autonomy, Integrity, and Freedom would be radically undermined by such actions
- University Boards and Administrations under such a plan would have unilateral powers (including presumably over Senates) to override the rights of faculty and impose changes in working conditions.
- The legislation could also prevent faculty from exercising their academic freedom, especially if they oppose or criticize administration or government actions.
- It suspends the right of unions to enforce aspects of their collective agreement that relate in any way to the “revitalization plan.”
- It suspends the right of faculty and staff to strike in any university with a “revitalization plan”. This section of the Act could be unconstitutional, given a recent Supreme Court decision confirming that the right to strike is constitutionally protected.
- It establishes punitive fines of between \$1,000 and \$100,000 for individuals and unions contravening the Act

Therefore,

The CASCA membership endorses and actively supports the following two motions passed, respectively, by the Canadian Association of University Teachers (CAUT) and by Dalhousie University’s Faculty of Arts and Social Sciences Faculty Council, in regard to Nova Scotia Bill 100, which threatens or attacks directly Academic Freedom, University Academic Autonomy, and Collective Bargaining rights, and sets a most dangerous precedent to the Academy all across Canada. The two motions are:

CAUT Council Motion (Passed Unanimously, Ottawa, May 1, 2015)

1. THAT any Nova Scotia university that complies with Bill 100 by applying for a revitalization plan will be subjected to the procedures leading to censure by CAUT;
2. THAT CAUT denounce the Nova Scotia government for interfering with workers' rights and academic freedom at post-secondary institutions;
3. THAT CAUT, in concert with Nova Scotia post-secondary unions investigate the option of taking legal action against the Nova Scotia government.

Dalhousie University FASS Faculty Council Motion (Passed Unanimously, May 12, 2015)

The Faculty of Arts & Social Sciences deeply regrets the passage of “An Act Respecting Accountability and Sustainability of Universities” because it:

- Compromises collective bargaining rights;
- Threatens academic freedom and the integrity of academic programs;
- Fails to reflect adequately the contribution of universities to the economy and liberal society of Nova Scotia;
- Does not properly recognize university governance structures and oversight mechanisms.

We therefore urge the Nova Scotia government to repeal the legislation or draft regulations that remedy these concerns

We, the CASCA membership also agree to communicate this motion of endorsement to Nova Scotia Premier Stephen McNeil, Minister of Higher Education Kelly Regan, Minister of Finance Diana Whalen, with cc's to all Nova Scotia University Presidents, Chairs of Senates, and all relevant Faculty Collective Bargaining Associations in Nova Scotia.

In addition, we encourage all our members to circulate this motion in their own institutions, with the public, and with Government representatives in their respective Jurisdictions.