



April 2, 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.

I suspect we can all agree that labour strikes such as this one have a substantial impact on everyone in the York University community. Many of our students experience disruption to their learning. The university's progress in attracting and retaining students, faculty and staff – 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, both the University and CUPE3903 take the bargaining process very seriously.

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. Given that oversight and accountability for the operations of the University rest with the Board of Governors, the Board has the understanding that in the case of a labour disruption the administration would make a recommendation to the Board regarding any suspension of normal operations of the University beyond what was absolutely necessary in regard to the activities of the striking union.

In this context, the Board Executive Committee carefully considered the question of authority to suspend all classes during a disruption. It is important to note that apart from the activities of striking union members themselves, normal University operations continue during a strike unless a

decision is taken to the contrary. As any decision to cancel classes across the entire University would have a profound impact on all aspects of the University's operations and affairs, we are convinced, under our statutory responsibility under the *York University Act, 1965* that the senior administration would need to seek the Board's agreement to do so.

The Senate Policy on Class Cancellations recognizes that the administration would also need to consult with the Chair of Senate before taking any such action, because of the impact on academic activities. It is to be expected that the senior administration, and/or the Chair of Senate, would consult with Senate Executive in forming a recommendation to suspend all classes.

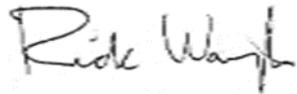
We acknowledge and respect the crucial role Senate plays in a strike under its authority over academic policy. There are significant decisions to be undertaken to meet expected learning outcomes for courses and programs and to ensure faculty members can effectively evaluate students' mastery of the material. We 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 fully 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 unilaterally effecting a wholesale cancellation of classes due to a labour disruption. We believe efforts to pass motions in Faculties or Senate asserting such unilateral authority do not properly respect the responsibilities assigned to the Board by the *York University Act, 1965*.

It is noted that the majority of governors are independent external members who 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, faculty and 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 statutory responsibility for "the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs..." is exercised within this essential arms-length framework.

I am aware that some Senate members have strongly held views on the roles of Senate and the Board and the careful balance of authority vested

in these bodies that do not accord with the Board's understanding of its responsibilities. Nevertheless, I was wondering whether there would be value in exploring with you some feasible options for ensuring that, now and in the future, the respective roles of Board and Senate in a labour disruption are respected and clearly understood by all members of the community, and that any decisions about how to manage the academic implications of 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,

A handwritten signature in black ink that reads "Rick Waugh". The signature is written in a cursive style with a large, prominent 'R'.

Rick Waugh
Chair, Board of Governors
York University