



UPEIFA
UNIVERSITY OF PRINCE EDWARD ISLAND
FACULTY ASSOCIATION

May 24, 2022

Mr. Pat Sinnott
Chair
UPEI Board of Governors

RE: UPEI Accountability & Transparency Concerns

Dear Mr. Sinnott,

UPEI has for some time experienced what can best be described as a crisis in accountability and transparency. From the use of non-disclosure agreements (NDAs) to silence victims of harassment to the appointment and reappointment of senior administrators with little if any consultation with relevant stakeholders, a clear signal is being sent on campus and across the Island that members of UPEI Senior Management are often held to a different standard than the rest of the University community.

The UPEI Board of Governors' recent hiring of Toronto law firm Rubin Thomlinson LLP to not only investigate allegations against the former UPEI President but also to conduct a more general review of "practices and processes at the University with respect to harassment, discrimination, and fair treatment" is no doubt intended to remove any uncertainty regarding the Board's commitment to accountability and transparency. Yet the Board's actions both then and since suggest that it fails to fully grasp the extent and the nature of the problem. The lack of accountability and transparency by UPEI Senior Administration is not simply the result of the behaviour of one administrator -- or of even a handful of administrators -- but is, rather, symptomatic of a managerial culture that has taken hold on our campus and for which the UPEI Board of Governors bears significant responsibility.

A case in point is the Board's repeated practice of filling senior management vacancies with *interim* positions. To the best of our understanding, interim roles are situated somewhere between *acting* appointments -- which are clearly temporary and carry limited mandates -- and formal appointments, that have clear mandates (via statute, policy, etc.), as well as transparent selection procedures that lend legitimacy and credibility to the individual tasked with fulfilling that mandate. In contrast, interim positions are appointed by the Board of Governors without any transparent selection process and with little if any input from relevant stakeholders. Interim positions have another quality that is particularly relevant in this context: so

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far as we can ascertain, based on available information, these appointments appear to exist outside of any relevant provincial legislation, University policies, or collective agreements. As such, these positions exemplify and reproduce the lack of accountability and transparency that have increasingly become a structural feature of our institution.

UPEI Interim Deans

To ensure that UPEI Administration is following an “effective, equitable and consistent hiring process for the selection and appointment of Deans at the University,” the UPEI Board of Governors has created a *UPEI Selection of Deans Policy*. This policy outlines the processes for filing vacancies and the constitution of selection committees that are tasked with choosing a candidate for these important roles. Notably, this policy makes no provision for *interim* Dean appointments, but, rather, directs as follows:

*In the event that a Deanship becomes vacant, the Vice President Academic and Research shall recommend, to the President, an **Acting** Dean who shall serve until the incumbent Dean returns or until a new Dean is appointed according to the procedures contained in this Policy (4.1.4).*

To underscore the temporary nature of these acting positions, the policy makes it clear that:

in the event of a vacancy of a Dean’s Office in any faculty, a Search Committee shall be formed to conduct a search for a new Dean. The procedures for the selection of committee members are the same for each of the Deans and shall be in accordance with this section (4.2).

Moreover, the policy clearly recognizes the importance of ensuring that – to the extent possible – Deans are not simply replaced by individuals who will fill that role on a temporary basis but rather individuals who have been subjected to the scrutiny of a thorough and transparent search process:

*The Search Committee for any Dean falling under the scope of this policy shall be established **one year prior** to the expiry of an incumbent Dean’s term (4.2.4).*

Under the *UPEI Selection of Deans Policy*, significant preparation and adjudication is required for addressing anticipated vacancies. In the event that the UPEI Board of Governors encounters an unexpected vacancy, individuals should be appointed on an

acting basis with a search committee established within a reasonable timeline to fill the position on a permanent basis.

Instead -- and to the growing concern of many at UPEI and around the Province who care for our Island University -- the UPEI Board of Governors and its delegates have repeatedly chosen to fill vacancies with individuals on an interim rather than acting basis, thus side-stepping the very measures meant to ensure transparency, accountability, and due process in administrative appointments.

To understand the important distinction between an interim and acting position, we need only look at how the appointment of interim positions has played out in practice at UPEI.

At present, well over half of UPEI Deans are serving in an interim capacity, a situation without parallel at any other Canadian university. Equally troubling, many of the individuals serving in these “interim” positions have been doing so for one, two, and, in some cases, three years or more. Furthermore, the fact that in many cases, these appointments were made because previous deans were unable or unwilling to complete their entire terms is an issue that demands additional scrutiny.

Additionally, the administrator who is tasked under the *Selection of Dean’s Policy* with coordinating the filling of these positions was recently replaced after serving over three years as *Interim Vice President Academic and Research*. In the face of this, how can we continue to sustain the illusion that interim positions are temporary measures rather than a symptom of a public institution that seems unable to appreciate its ethical and legal obligation to operate in an accountable and transparent fashion?

UPEI Interim President

Unfortunately, turning to the top administrative position at our institution gives us little reason for optimism. While we do not know if the UPEI Board of Governors has a policy for filling the position of UPEI President should it unexpectedly become vacant, we do know that this process falls under provincial legislation – namely, the *PEI University Act*:

*in the case of a vacancy in the office of President or his or her inability to act, to appoint an **acting president**, who, during the period for which he or she is appointed, shall have all the powers, duties, rights and privileges of the President (14.1.e).*

Despite this legislated requirement, UPEI currently has an interim rather than acting president. In a recent UPEI Senate meeting, the UPEI Interim President made it clear

that he views the distinction between interim and acting as pivotal. Indeed, after a month as Interim President, he was emboldened to articulate “several priority areas and established goals” that he intended to pursue during his interim role (January 13, 2022). As should be clear, the interim designation is by no means neutral. It inevitably gives rise to managerial practices that elude the more transparent and accountable practices embedded in University policy, Provincial legislation, and negotiated collective agreements.

Moreover, there is little indication that the Board is moving with any urgency to find a formal replacement for this position. In the wake of the former President’s departure, the Board appointed an interim President and indicated that they would be “announcing details of the presidential search process in the new year” (December 13, 2021). Yet as we approach the second half of this year, the campus community still remains largely in the dark regarding this process. In the minutes from the most recent UPEI Board of Governors meeting (February 2022) -- the first formal meeting since the departure of the former UPEI President -- there is no mention of what, if any, steps are being taken to fill this important role. Instead, the minutes indicate that the Chair of the Board of Governors had “nothing to report” and that a meeting scheduled for three hours was adjourned barely an hour after it had begun. For a public institution that is trying to convince the campus and Island community that it is committed to accountability and transparency, this is simply unacceptable.

It has also come to our attention that the UPEI Interim President recently notified the UPEI Atlantic Veterinary College (AVC) that he has accepted the UPEI Board of Governors’ request that he *continue* to serve in an interim capacity. It is also our understanding that the UPEI Board of Governors has agreed to appoint the Interim President to an “advisory role” during the period between when a new president has been appointed and June 2024. Given the absence of any update regarding the status of the presidential search and the history of the Board relying on interim positions well beyond what would be considered reasonable, we must conclude that the Board either has little interest in filling this important position within a reasonable timeframe or that it intends to simultaneously remunerate a new president and a former interim president for an extend period of time. To be frank, neither option strikes us as advancing the public interest.

This pattern of decision-making would be concerning at any time, but is particularly alarming when we consider that our University is opening a critical chapter in its history. As UPEI grows to over 5000 students for the first time, as it opens the Centre for Climate Change and Adaptation, launches a new Faculty of Indigenous Knowledge, Education, Research, and Applied Studies, and develops a ground-breaking medical school that will fundamentally alter the face of the University and of health care across the province, it is vital that all stakeholders -- including Island taxpayers and

workers who are providing much of this funding – are confident that UPEI has a strong and accountable leadership team at its helm. As we've outlined above, there is much work that remains to be done to earn this confidence.

In addition, the UPEI Board of Governors is currently in negotiations with all of the UPEI campus unions to reach agreements on the terms and conditions of their employment. The absence of stable UPEI administrative leadership risks introducing a measure of volatility that is certainly undesirable in this context. We believe our students deserve better.

We began this letter by making it clear that UPEI has much work to do to convince the campus and Island community that it is genuinely committed to accountability and transparency in the constitution and operation of its administrative team. In our view, an important step in this process would be for the Board to ensure, both in its words and actions, that it is complying with the letter and spirit of its own policies and Provincial legislation, and we therefore call on the UPEI Board of Governors to:

- pursuant to existing UPEI policy and/or Provincial legislation, formally convert all existing *interim* management positions into *acting* positions;
- immediately initiate the formal procedures outlined in the *UPEI Selection of Dean's Policy*, so as to ensure that all decanal vacancies are filled through due process;
- update the campus and Island community on the steps it has to date taken to select and appoint a new UPEI President;
- formally commit to having the UPEI President's position filled no later than Fall 2022.

We look forward to your thoughts on these important matters.

Sincerely,



Michael Arfken
President
UPEI Faculty Association



Tracy Carmichael
President
CUPE-1870

cc: Hon. Natalie Jameson, PEI Minister of Education & Lifelong Learning
Hon. Lynne Lund, PEI Critic for Education & Lifelong Learning
Dr. Greg Keefe, UPEI Interim President
Dr. Greg Naterer, UPEI Vice President Academic & Research
Ms. Jackie Podger, UPEI Vice President Administration & Finance