

Protecting quality: Collegial governance, academic freedom and intellectual property rights

In Ontario's public colleges, decisions that impact the quality of education and academic standards are being made by administrators focused on balancing budgets rather than students' education. As a result, "faculty are systematically marginalized from academic decision making",¹ while administrators unilaterally decide how courses should be delivered, how students should be evaluated, and even what grades should be assigned.

Threatening the value of degrees

The absence of academic freedom, and the lack of a role for academic staff in academic decision-making, have barred Ontario colleges from membership in Universities Canada (formerly known as the Association of Universities and Colleges in

Canada). This organization's membership list is used by many universities in Canada and abroad to determine whether a degree is seen as credible.

As a consequence, students in degree programs suffer, as their degrees are often not valued the same as those from other institutions, including colleges in a number of other provinces that offer university-degree level programs. Students in non-degree programs are also affected when the reputation of their institution is negatively affected by administration decisions made without sufficient consideration of academic consequences.

The consequences of this lack of academic oversight don't end with the value of the student's degree, diploma, or certificate, however. The public can be put at risk when bureaucrats

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Let those most qualified make decisions

Universities, by contrast, offer a bi-cameral system of governance that ensures decisions are made by those most qualified to make them.

¹ MacKay, K. (2014). *Report on Education in Ontario's Colleges*. Retrieved from: <https://opseu.org/information/college-faculty-caat-report-education-ontario-colleges>

Pre-bargaining fact sheet #1

Administrators make decisions on financial and managerial matters through a Board of Governors, while academics address questions of pedagogy and academic matters through a Senate or Academic Council.

In other jurisdictions (e.g., British Columbia) many colleges also operate with a similar division of responsibility, allowing experts on both sides the ability to focus on their own areas of strength, while ensuring that balancing the budget doesn't become the rationale for decisions that should be academic matters. Introducing a similar model of collegial governance in Ontario colleges would help to ensure the quality of education, while safeguarding students' success.

Committing to academic freedom and intellectual property rights

Strengthening the partnership between faculty and administration, and protecting the quality of the colleges themselves, also requires firm commitments to both academic freedom and intellectual property rights.

A commitment to academic freedom means allowing faculty to determine how best to deliver and evaluate course content. It also means ensuring that faculty have the right to weigh in on potential academic impacts resulting from administrative decisions, without fear of retaliation. Only through this kind of open

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dialogue can we encourage our own colleges to be leaders in delivering higher education.

The presence (or lack) of academic freedom may have other implications for the colleges. Many of the collaborative degree programs offered by Ontario colleges are subject to audit by the Postsecondary Education Quality Assurance Board (PEQAB), which requires, among other things, that colleges meet a set standard for academic freedom and integrity.

The current reality at Ontario colleges falls far short of the standards for intellectual independence prescribed by PEQAB. Without clear academic freedom and intellectual property language in the college faculty collective agreement, along with bi-cameral governance in each institution, the standard of academic freedom required to ensure degree quality will be impossible to achieve.

On the question of intellectual property, it's also important to recognize the ways that colleges' recent actions risk creating an

innovation chill. With no rights to the materials they produce, what incentive is there for faculty to put the time and effort into researching and designing cutting-edge courses, based on the fruits of their own research, that will show Ontario's colleges as the leaders they should be?

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As one example, colleges' current practice of licensing course materials to private institutions, including video lectures, is threatening the livelihoods of the very professors responsible for the creation of these materials. When these materials are licensed to private colleges that then compete directly against publicly-funded colleges, faculty's own materials are turned against them.

If we really want Ontario's colleges to deliver quality education, we need to protect and foster autonomy among college faculty.