

3 February 2016

Mr. Stuart Belkin
Chair, Board of Governors
The University of British Columbia
6328 Memorial Road, Room 121
Vancouver, BC
V6T 1Z2

SENT VIA EMAIL

Dear Mr. Belkin:

As the collective voice of faculty, charged with representing faculty interests and perspectives relevant to unfolding events at UBC, the Faculty Association, through its Executive, feels compelled at this time to raise a number of serious concerns. It has become clear that the University of British Columbia is in the midst of a governance crisis.

The events of the past year or so, as information about them slowly leaks out, demonstrate a failure of governance that threatens the integrity and credibility of the University. This is a singular moment in the 100-year history of UBC, the solution to which requires strong actions on the part of the Board of Governors.

We have called publicly for an external review of the Board and its operations. At this point, we re-issue this call. Such a review is essential to restore public trust in the Board. To accomplish this, the leadership for such a review must have the support of the University community – of faculty, students, staff, and alumni.

The issue of the credibility of the Board goes well beyond events around the President's resignation. We are concerned about the secretive manner in which the Board appears to operate generally and the impact this approach to governance has on the University. As a large public university, serving important roles in local, national, and international communities, UBC must be governed, not only in fact but in appearance as well, by the best practices of due process, administrative regularity, and transparency. Events from last summer, and the recent release of emails and other documents, lend, at minimum, an appearance of improper board practice, with strong likelihood of actual improper process, record keeping, and administrative practices.

The Board of Governors has a statutory obligation to act in the best interests of the University. We do not believe the Board can continue to act as if its goal is simply to weather this crisis, with an insistence on "business as usual": this is not in the best interests of UBC.

We also raise two other issues for the community at large to consider, as we are also circulating this letter to our membership.

1. Some current members of the Board, including the Chancellor of UBC, have been shown in recent, now public, documents to have been involved in activities around the resignation of Dr. Gupta that appear to contravene standard and expected Board practices. Improper conduct of Board business is a serious matter. The former Chair of the Board, John Montalbano, has resigned. What onus of response falls on these other Board members, given these revelations?
2. The University is engaged in an important presidential search process, a process all the more sensitive because of this current crisis. The integrity of the search process will form the basis for the credibility and legitimacy of the new president. Members of the Board involved in impugned Board practices connected to the resignation of the last President now sit as members (and the Chair) of the Search Committee. Does the fact that the crisis around Board integrity reaches into the Search Committee in this manner endanger the legitimacy and effectiveness of the Committee? What measures need to be taken to ensure that the search process is untainted by this ongoing crisis and that the Committee is in the best position possible to select a president who will help UBC move beyond the current unfortunate moment?

UBC's Board of Governors must act immediately to acknowledge and address this crisis, and its different dimensions. We rely on the Board's leadership, and a formal commitment to sound and collegial governance, to set the University back on a course that restores our own community's and the public's faith in this institution and its governance structure.

Sincerely,



Mark Mac Lean
President
On behalf of the Executive Committee

cc: The Hon. Christy Clark, Premier
The Hon. Andrew Wilkinson, Minister of Advanced Education



February 11, 2016

Professor Mark Mac Lean
President, UBC Faculty Association
112 – 1924 West Mall
Vancouver, BC V6T 1Z2

Dear Professor Mac Lean:

I am replying to your letter dated February 3, 2016 in which you, on behalf of the Faculty Association's Executive Committee, express concerns about the operations of the Board of Governors.

I appreciate the clarity with which you have articulated your concerns. As they affect the entire Board of Governors, we would welcome the opportunity for the Faculty Association Executive to attend the regularly scheduled meeting of the Board on April 14, 2016 to present its concerns and address questions from the Board in response. We would be pleased to provide sufficient time for the presentation and ensuing discussion.

I am suggesting the April 14 meeting as all of the newly appointed Governors will be in place, and so too the recently elected students will most likely attend this meeting as part of their transitioning onto the Board. I think it would be helpful for the renewed Board – potentially up to eight new members with student elections and recent appointments – to hear from you. We will, of course, be inviting other constituencies to speak with the Board about their concerns too.

As I reflect upon your letter, I think it is important to address, in broad strokes, the governance of the University as provided for in the *University Act*. The statutory framework is clear, and the *Act* confers governance powers and responsibilities upon the Board of Governors, the Senates and the Council of Senates. At all times, in the exercise of its powers and responsibilities, the Board must act in the best interests of the University. The Senates are vested with the academic governance. Faculty are an integral and critical part of the governance of the University through duly elected members on the Senates and Board. I wish to reassure you that the Board will continue to comply fully with the governance framework set out in the legislation.

Your letter also raises concerns about the presidential search. Recall that the Terms of Reference for the Presidential Search Committee have been jointly approved by the Senates and the Board of Governors. These Terms of Reference address mandate, membership of the Committee and process. Arising from the careful deliberations of these governing bodies, it is fundamental to the governance framework at UBC that their decisions be respected.

Finally, given that the Board has three Governors elected by faculty (two of whom are Chairs of Committees), you certainly should feel free to reach out to them in order to discuss your concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stuart Belkin".

Stuart Belkin, Chair
UBC Board of Governors

SB/rk

cc: The Honourable Christy Clark, Premier
The Honourable Andrew Wilkinson, Minister of Advanced Education
Dr. Martha C. Piper, Interim President and Vice-Chancellor, and Chair of UBC Senates
UBC Board Governors