

Strengthening the Designation: A Collaborative Effort
Opening remarks
Kelly Burke, French Language Services Commissioner
March 31, 2022

Thank you all for being here this morning, and for joining us via webcast and by phone.

Let us begin by recognizing that the land on which we gather, here at Queen's Park, is the traditional territory of many nations, including the Mississaugas of the Credit, the Anishnabeg, the Chippewa, the Haudenosaunee and the Wendat, and is now home to many diverse First Nations, Inuit and Métis peoples. We also acknowledge that Toronto is covered by Treaty 13, signed with the Mississaugas of the Credit.

We are facing an historic situation. On February 1, 2021, Northern Ontario's largest university, Laurentian University in Sudbury, placed itself under the *Companies' Creditors Arrangement Act*. Never before in Canada have we seen a public university in such a precarious financial position.

Laurentian University is an economic pillar in Northern Ontario and plays a vital role in the province's Francophone community by training the Francophone and bilingual workforce of today and tomorrow.

Twenty percent of the university's students are enrolled in a French-language program that leads to jobs and opportunities for Ontario to develop people who can work actively in French and contribute significantly to the province's economic and cultural prosperity, in French.

Laurentian University has obligations under the *French Language Services Act*. It is designated as a government agency and is required to offer some of its services in French.

And its financial situation is critical. The university has had, and has always had, to make difficult choices to ensure its future. On April 12, 2021, it announced the elimination of 28 French-language programs. This decision caused an uproar.

In light of this situation, and following the receipt of 60 complaints from the public, I deemed it essential to investigate. On June 16, 2021, I initiated the launch of a formal investigation into the cuts to French-language programming at Laurentian University.

First and foremost, let me tell you what we heard from Francophones. The people who contacted us were dismayed. Frustrated. Enraged by Laurentian University's decisions to cut French-language programming.

We heard stories of students who had to transfer to other institutions to complete their studies, stories of the abolition of the midwifery program, the only one in the country that is offered in French, outside of Quebec.

Students have had to transfer to other institutions where the program is no longer offered entirely in French. These are poignant stories that cannot be ignored.

My investigation involved the Ministry of Francophone Affairs, the Ministry of Colleges and Universities and Laurentian University. I wanted to see how all three organizations viewed the *French Language Services Act* in the context of cuts to French-language programming at Laurentian University.

I determined that the Act had been violated in some respects, and I have made 19 recommendations to strengthen the collaborative work that must take place between the three parties to ensure that the university's designation is implemented and managed effectively.

My goal is to create rigour and transparency in the process, and to strengthen French language services. My recommendations allow everyone to play their role and the population that depends on their services to have confidence in the government and in Laurentian University.

We are talking about the future of Francophone students at a flagship institution in Ontario. My goal is to ensure that the university's designation remains a guarantee of quality and reliability.

My recommendations touch on three key areas: Assessment, consultation and collaboration.

I concluded that the lack of consultation and any assessment process led to the university's violation of the *French Language Services Act*. I also noted that the lack of consultation, assessment and collaboration processes resulted from a lack of proactivity on the part of the three organizations.

Laurentian University is designated by regulation as a government agency under the *French Language Services Act*.

What does it mean to be designated? Being designated is both a privilege and a great responsibility.

The Act allows the government to grant obligations to public bodies to offer some or all of their services in French through a designation. The purpose of the exercise is related to the spirit of the Act, to ensure the sustainability of French language services.

Once an organization has these legal obligations, a dialogue must be established between the organization, the ministry responsible for it – in this case the Ministry of Colleges and Universities – and the Ministry of Francophone Affairs.

The agency is responsible for providing the services and the ministries are responsible for ensuring that these obligations are met and for reporting to the Ministry of Francophone Affairs, which is ultimately responsible for the administration of the *French Language Services Act*. The Act also provides a process for reducing the scope of an organization's designation if it is reasonable and necessary to do so.

Laurentian University received its designation in 2014. It was the first bilingual university in Ontario to be designated as a government agency.

Under Regulation 398/93, the University has a duty to provide 13 degree programs. I concluded that this wording has created a great deal of confusion in the eyes of the public.

What exactly is designated? The programs or the degrees? What are the obligations? According to the university and the ministries, it is the degrees, not the programming.

That is a narrow interpretation, in my view, and leads to the notion that you could keep one program under each degree and still be in compliance with your obligations, which is what we heard during our investigation. I believe this interpretation goes against the spirit of the *French Language Services Act*.

I also concluded that the university had already begun to make cuts to French language programming leading to designated degrees prior to April 12, 2021, on June 2020. The *French Language Services Act* applied and should have been followed – however, this was not the case. I therefore noted that the issues related to the administration of the designation had been around for quite some time.

At no time did the university formally consult with the Ministry of Colleges and Universities or the Ministry of Francophone Affairs about the potential impacts on its obligations under its designation. Why? There is a lack of coordination, a lack of process in place to ensure that there is an exchange and a shared basis for assessment.

Accordingly, I have recommended that the Ministry of Francophone Affairs address this lack, to ensure that there are policies and processes in place to allow the three parties to communicate and assess in a collaborative manner the obligations of the university, and how the university can comply. For example, there are no criteria for assessing the impact of changes in programming leading to designated degrees on those same degrees.

Take the example of the midwifery program. This is one of two programs that lead to the Bachelor of Health Sciences degree. The university cut 50% of the programming leading to that degree, which is essentially 100% of the midwifery program. One hundred percent of the opportunity to train a bilingual workforce in a whole professional field!

How can it be said that this decision has no impact on the university's obligations under the *French Language Services Act* when there has been no consultation and no common evaluation or assessment?

I have therefore recommended to the Ministry of Francophone Affairs that it develop policies to evaluate and ensure compliance by Laurentian University and to frame the communication and consultation processes between the three parties.

What, then, is the role of the Ministry of Colleges and Universities (MCU)? The *French Language Services Act* provides for a French Language Services Coordinator within that Ministry who can communicate directly with the Deputy Minister. Under the Act, this coordinator also sits on a committee chaired by the Ministry of Francophone Affairs.

The MCU's French Language Services Coordinator had not been consulted on Laurentian University's obligations at any time since June 2020.

The Ministry plays an important role in managing the university's designation. I have therefore recommended that the Ministry of Colleges and Universities establish policies and procedures that will position it in the future to be proactive and rigorous with respect to compliance by Laurentian University, and all other post-secondary institutions.

I have also recommended that the Ministry of Colleges and Universities establish a framework for the role of the French Language Services Coordinator, so that this person can advise the Ministry on its obligations.

My investigation identifies concrete facts that demonstrate how gaps in the interpretation of the *French Language Services Act* and flaws in its application have jeopardized the designation at Laurentian University, and have had a real and negative impact on the lives and experiences of Francophones in the province.

I am encouraged that the ministries and the university have accepted my recommendations. I have asked them to report back to me on their implementation in six months.

My recommendations will improve and strengthen French language services for Francophones today and in the future. My recommendations are aimed at far-reaching, long-term, sustainable and effective changes.

I will now take your questions.

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