

18 August 2015

Angela Redish
Acting President and Vice-Chancellor
Provost & Vice-President Academic *pro tem*
University of British Columbia
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Vancouver, BC V6T 1Z2

Dear Dr. Redish,

The Faculty Association at the University of British Columbia strongly supports and acknowledges the University's commitment to academic freedom. We particularly support and agree with your unqualified commitment set out in the Statement from UBC on Academic Freedom dated August 17, 2015:

The collective agreement confirms that members of the University have the freedom, within the law, to pursue what seems to them to be fruitful avenues of inquiry, to teach and to learn unhindered by external or non-academic constraints. Suppression of this freedom, whether by the institutions of the state, the officers of the University or the actions of private individuals, would prevent the University from carrying out its primary function.

...

The principles of fairness and due process are also fundamental to the UBC community, and we must respect the law to ensure all members of the university community are enabled to contribute fully to their endeavours. As such, UBC has rigorous processes in place -- established with the agreement of the Faculty Association -- to investigate any allegation of breach of academic freedom. It is imperative that we follow this impartial process embedded within and protected by the collective agreement before pre-judging unproven and untested allegations at this time.

With those comments in mind, we are extremely concerned and dismayed by the Media Statement from the Chair of the Board of Governors of the University of British Columbia, Mr. John Montalbano, dated August 18, 2015. As you know, Mr. Montalbano's actions and conduct are the subject of serious allegations. The allegations concern an attack on the very academic freedom cited in your statement and are in relation to the member of whom you speak in your statement of August 17, 2015. This is not all. In addition, serious questions have arisen over the Chair's perceived conflict of interest involving his position both as Chair of the Board of

Governors of the University and as a member of a Faculty Advisory Council. This is further compounded by the Chair's personal communications with a Dean over internal operational and academic issues concerning a faculty member.

In our respectful opinion, it is wholly inappropriate for the Chair of the Board of Governors to comment on his personal interactions with a faculty member and to then seek to invoke the grievance and arbitration procedures set out in the Collective Agreement to address the concerns raised by the faculty member. Mr. Montalbano is appointed by the provincial government and is not an employee of the University. The procedures available to parties of the Collective Agreement are not his to invoke. Surely, as Chair of the Board of Governors, Mr. Montalbano should engage in more accurate and institutionally aware public communications about University processes.

Mr. Montalbano's comments in the media release also fail to address the fact that the Faculty Association has, since shortly after the resignation of Dr. Gupta, engaged appropriate labour relations processes with UBC to express our serious concerns and to seek a thorough investigation respecting Mr. Montalbano's actions and conduct.

Further, Mr. Montalbano should not, in his position as Chair of the Board, comment upon and/or address such a process when he is, in fact, the focus of the investigation. Mr. Montalbano's statement reveals -- once again -- that he fails to understand what a conflict of interest is. He is publicly mixing his personal dismay at the allegations against him with his responsibilities as Chair of the Board, and conflating his own personal interests with those of the University.

While he may, in fact, want to speak personally about the allegations made against him, he should do so only once he has stepped aside as Chair of the Board of Governors. To speak on behalf of the University and as Chair of the Board of Governors, and to release what amounts to a personal defense against the accusations as a University press release, on a University website, is a serious conflict of interest. It is, frankly, an abuse of his position. As was his phone conversation with the faculty member and any conversations on the matter that he may have had with that faculty member's Dean.

His statement that he "welcomes" the formal grievance process, whenever it should arise, reveals a lack of understanding of basic procedures of the university: an investigation into those aspects of the issues that pertain to internal labour relations has been under discussion since last week, while the precise parameters of the investigation into Mr. Montalbano's actions are yet to be determined.

By speaking to, and inserting himself publicly, into the university labour relations processes, he appears -- once again -- to be seeking to be directly involved in internal university affairs. In doing so, he continues to exhibit an inability to understand the seriousness of the conflict of interest allegations he is facing, or the responsibilities and limitations of his role on the Board.

While we understand his desire to speak personally about the allegations made against him, the manner and forum in which he has chosen to do so is utterly inappropriate and simply confirms our lack of confidence in him as Chair of the Board. In this context, we would point out that your statement as released by UBC on August 18 ends with the declaration that it “would be entirely inappropriate to comment further on the allegations until this process has been concluded.” The numerous media appearances by Mr Montalbano today in which he addresses the situation are clearly inconsistent with this key message from your office.

Both you and Mr. Montalbano have publicly committed to an investigation of his actions. Indeed, Mr. Montalbano said today he would welcome such an inquiry. However, given the extent to which Mr. Montalbano is intervening in internal University processes, we do not believe that any inquiry process could be viable as long as he remains Chair of the Board of Governors, and as long as his personal interests are confounded with those of the University.

All things considered, we have reached the conclusion that Mr. Montalbano should resign immediately as Chair of the Board of Governors of the University of British Columbia.

Yours truly,



Mark Mac Lean
President

On behalf of the Executive Committee of the Faculty Association