

REPORT OF THE COMMISSION ON GOVERNANCE OF THE ROYAL
MILITARY COLLEGE OF CANADA

Commissioned by the Canadian Association of University Teachers (CAUT)

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BACKGROUND AND MEMBERS

1. The Canadian Association of University Teachers (CAUT) set up the Commission on Governance of the Royal Military College of Canada in September 2012. The CAUT decided to create a commission because of a number of governance concerns brought to its attention by the Canadian Military Colleges Faculty Association (CMCFA), one of approximately 125 University Faculty Associations across Canada that are part of CAUT. These concerns were outlined in a letter sent to the Minister of National Defence in May 2012, which concluded by stating that the CAUT would be striking a blue-ribbon Commission of Inquiry to investigate the situation at the Royal Military College of Canada (RMCC).¹
2. The commission members are Dr. Robin Boadway, David Chadwick Chair in Economics at Queen's University; LCol (retired) Steve Nash (Infantry, Royal Canadian Regiment); and Dr. Elinor Sloan, Professor of International Relations at Carleton University. All commissioners are graduates of RMCC, are in favour of RMCC remaining as a university degree granting institution for the Canadian Forces (CF), and accept the complex and unique nature of RMCC as Canada's only federal university with a special role to the Crown and the Canadian Forces.
3. The commissioners have had a mix of experiences in education, research and governance at the Canadian military colleges. Boadway was a full-time lecturer at RMCC for two years, and was a member of the Minister's Advisory Board, the predecessor of the Board of Governors. Nash has an MDS degree from RMCC, and has been an adjunct instructor in the Officer Professional Military Education program at RMCC on several occasions. Sloan worked for several years as a defence scientist in the policy group of the Department of National Defence, and was a member of the Board of Governors of College Militaire Royal de Saint-Jean (2007-2011).
4. Although the CAUT set up the commission, its operation has been completely independent. The initiating documents from CAUT Executive Director, Jim Turk confirmed the following for each Commissioner: "*The Commission is being set up by CAUT according to the guidelines specified below, but will be entirely independent of CAUT with respect to whom you interview, the documents you assemble, the conclusions you reach and the recommendations you make. Further, CAUT will publish the Commission's report exactly as written by the Commission.*" The Commissioners are not paid but can receive compensation for related expenses.
5. The commissioners had no previous experience or interaction with the CAUT, with the exception that both Boadway and Sloan, as tenured professors, are obliged to be part of their own faculty associations and these in turn are part of the CAUT. The CAUT did provide some research and administrative support on request, and was advised of Commission progress, but it was not involved in any way in the deliberations, and has not seen any draft of this report.

¹ James Turk (Executive Director CAUT) and Jean-Marc Noel (President of the Canadian Military Colleges Faculty Association), *Letter to the Minister of National Defence*, 18 May 2012.

MANDATE AND MODE OF COMMISSION OPERATION

6. The terms of reference for the commission are to examine the governance structure of RMCC, consider alternative models of military governance and make recommendations with respect to the preferred governance structure for RMCC.
7. We define governance as “the primary processes involved in making the decisions that control the core academic activities of the College.”² With a central focus on governance, in its deliberations the Commission sought to understand both the historic background and contemporary aspects of issues.
8. As stated in the *Queen’s Regulations and Orders (QR&O’s) for the Canadian Military Colleges* the objective of RMCC is to prepare officer cadets for effective service as commissioned officers in the Canadian Forces (CF) by (i) providing a university education in appropriate disciplines to meet the needs of the CF; (ii) developing leadership and awareness of the military profession; (iii) developing the ability to communicate in both official languages; and (iv) developing a high standard of physical fitness.³ We focused on governance issues as they impact the first of these four pillars of RMCC.
9. The commission carried out its work by conducting interviews ranging from 45 minutes to 1-½ hours in length. We conducted a total of 26 interviews, most of which took place in Kingston outside of RMCC. We also had a number of written submissions. We consulted many references, and these are listed at the end of this report.
10. In order to write as complete and balanced report as possible, we had hoped to interview six categories of people:
 1. Faculty;
 2. Academic authorities at RMCC (Principals and Deans);
 3. The military (Commandant, and Commander, Canadian Defence Academy);
 4. Civilian leaders in Ottawa (Assistant Deputy Minister Human Resources - Civilian);
 5. The Board of Governors (current and past Chairs); and
 6. Cadets and recent graduates.
11. We were able to interview many people in category (1); several in category (2), including both the current and past two Principals; and a handful in category (6). Those in categories (3), (4) and (5) declined our invitations to be interviewed, with the exception of one retired high-ranking officer from the Canadian Defence Academy.

² MF Barton, *Academic Governance at RMCC* (unpublished report dated 17 December 2010).

³ Government of Canada, *Queen’s Regulations and Orders for the Canadian Military Colleges* (Ottawa: Treasury Board, 8 August 2001, updated 17 January 2007), Appendix 6.1, para 2.02 (hereafter QR&O’s).

OVER-ARCHING GOVERNANCE ISSUES

12. Before considering governance issues in detail, it is worth recounting some important institutional differences between RMCC and civilian universities that makes governance at RMCC very challenging to resolve. These differences arise because of the distinct role of RMCC in providing both officer training and a university education. This is aptly captured in the slogan that RMCC is a “University with a difference.” The challenge arises because the cultures of governance and organization differ fundamentally between the military, which provides officer training, and the academic staff, which provides education. Of necessity, governance at RMCC must blend the military and academic cultures so that the objectives of each can be pursued with credibility and excellence. The Commission on RMCC Governance firmly believes that it is possible to construct a governance structure that can effectively reconcile these two cultures within the unified RMCC institution. Indeed, the successful history of RMCC demonstrates that the twin goals of excellence in both officer training and university education has been and can continue to be feasible.
13. In the military, governance is hierarchical and based on the principle of command. The structure of command is such that each member of the military is subordinate to an immediate superior to whom he/she reports and obeys, and in turn has subordinates for whom he/she is responsible and who are subject to his/her command. In the case of RMCC, the vertical command and control structure is evident in the military wing, as well as in the Cadet wing itself. Such a structure is a necessity for RMCC as a military organization and unit of the CF for reasons we need not dwell on in this report.
14. The academic structure of a university operates in a completely different way. There is no command structure as such. Academic institutions are essentially self-governing and decisions within the academy are made on a collegial basis with opportunities for representation of and input from all constituents. Academic administrators are accountable to faculty and students. They are also accountable to external bodies, whose role is to promote the main objectives of university education, which involve not just the transmission and furthering of knowledge, but also the freedom of inquiry and the freedom to express one’s academic views. The collegial self-governing of universities means that subordination is not a useful concept. But accountability is important and applies not just to the faculty but also to senior academic administrators. Put differently, although senior academic administrators are given responsibility for making decisions that affect the delivery of academic programs, they do so within a consensual context, taking full account of the interests and opinions of the academic faculty.
15. Academic integrity based on the underlying values of academic freedom and critical thinking seemingly conflicts with the notions of command that inform military decision-making. However, the role of developing and using critical thinking skills and the freedom of inquiry are important elements of the military profession and to the exercise of command. They should be developed simultaneously early in an officer’s career. The challenge for the military and academic leaders at RMCC is to establish a governance structure that mutually accommodates the military and academic aspects of officer education.

16. Achieving this co-existence of academic and military cultures requires that a suitable degree of academic independence be accorded to the RMCC academic community, in its own fields of endeavors, and a reasonable allowance in the academic community be made for the demands the unique (CF/DND/government) administrative environment of RMCC places on senior officer and public service administrators. It suggests that the Commandant and Principal ought to be seen as partners in a collaborative relationship, rather than as two individuals in which hierarchy alone commands their relationship. We do not believe reaching this reasonable accommodation is fundamentally inconsistent with the Commandant's duty to command RMCC, nor is it inconsistent with the norms that have governed the College for many decades.

SPECIFIC GOVERNANCE ISSUES AT RMCC

17. Below are 12 issues the Commission considers to be the most salient. Each issue is considered by way of discussion followed by recommendations for implementation.

18. **Issue 1: Appropriate place of RMCC in the CF reporting structure**

Discussion

- The current governance structure of RMC, as established in the Queen's Regulations & Orders (2007) and in a Ministerial Directive (2006), is as follows:
 - The Minister of National Defence (MND) is Chancellor and President of the College;⁴
 - Chief Military Personnel (CMP) exercises command and control over RMC;⁵
 - The Commandant is in command of the College and is also Vice-Chancellor;⁶
 - The position of Principal “takes precedence next to the Commandant in all aspects other than command;”⁷ and
 - The Commander of the Canadian Defence Academy (CDA) is not mentioned in the documents, but he/she is also in the chain of command.
 - In sum, the Principal reports to the Commandant (Brigadier General – one star); who reports to Commander CDA (Major General – two star); who reports to CMP (Major General – two star); who reports to the Chief of the Defence Staff (CDS) (General – four star); who reports to the Minister. (Until 2006 CMP was a Lieutenant General – three star position).
 - Aside from this, it is important to keep in mind that all civilians within DND ultimately report to the Deputy Minister (DM) who in turn reports to the MND.

⁴ QR&O's, Appendix 6.1, para 2.04.

⁵ QR&O's, Appendix 6.1, para 2.05(1). The QR&Os states this to be the Assistant Deputy Minister (Personnel), however we take this to be CMP, since ADM (Pers) no longer exists.

⁶ QR&O's, Appendix 6.1, para 2.05(2) and para 2.81(a).

⁷ Gordon O'Connor (Minister of National Defence), *Ministerial Directives Respecting the Principal of the Royal Military College of Canada* (Ottawa: Department of National Defence, 23 November 2006), para 4.

- CDA was created in 2002. In some ways it replaced the Canadian Forces Recruiting, Training and Education System (CFRETS), which previously existed at Canadian Forces Base Borden. But CDA was meant to focus much more on education than on training, a departure from the CFRETS concept.
- The idea was to create a higher formation devoted to education. This, in turn, was an outcome of the Somalia Inquiry of the 1990s, the Young Report of 1997⁸ and other initiatives within the Canadian Forces of that period (including the creation of the RMCC Board of Governors), all of which pointed toward the need for a university educated officer corps.
- The largest educational component reporting to CDA is RMCC, while others are the Canadian Forces College (CFC) in Toronto and Collège militaire royal de Saint-Jean (CMR). The Principal of RMCC directs University Teachers (UTs, according to their Public Service designation) on all three campuses—RMCC, CFC and CMR.
- Interviewees told the Commission that the original intention was for the Commander of CDA to report directly to the CDS for operational command and control (solid line) and to CMP for administrative matters (dashed line)—a reflection of the importance accorded at that time to education in the Canadian Forces. But at some point in the early 2000s, the line to the CDS disappeared in practice while the line to CMP remained.
- At the same time, CDA was tasked with ever growing responsibilities, (necessarily) focusing more and more on training as Canada increased its commitment to ongoing operations in Afghanistan and elsewhere.
- The laudable goal of creating CDA as a more educationally oriented CFRETS was eclipsed by stepped up training requirements. Although the large operational Afghanistan commitment has now ended, CDA remains primarily occupied with training rather than education.
- The people we interviewed were unable to explain the actual role the Commander CDA was supposed to play with regards to RMCC. We regret that we were unable to interview the CDA Commander.

Recommendations:

- **Changes be made in the reporting structure with a view to implementing the original vision of promoting education in the CF. One option may be for RMCC (and CMR/CFC subordinate to it) to report directly to the DM/CDS and not to CDA.**
- **For administrative matters RMCC would still report to CMP. Whereas currently the Commander CDA writes the Commandant's PER in full and the Commandant writes the Principal's assessment, under the proposed new structure the DM would write the Principal's assessment, while the CDS would**

⁸ Douglas Young (Minister of National Defence), *Report to the Prime Minister on the Leadership and Management of the Canadian Armed Forces* (Ottawa: DND, 1997).

write the Commandant's assessment. This would involve raising the rank level of the Principal (see below).

19. Issue 2: Lack of authority and autonomy of academic wing

Discussion

- There are 4 pillars to RMCC (academic, military, bilingualism, athletics), but the *primary* mission of RMCC is to educate/qualify officers to a university degree academic standard.
- In order to generate officers with a university degree, RMCC must be a de facto degree granting institution with all that entails. This includes the academic requirements/expectations of the Association of Universities and Colleges of Canada (AUCC) and the Council of Ontario Universities (COU), discussed below.
- Under the current governance structure the academic faculty does not have full control over the budget that is allocated to it, nor does it have adequate control over personnel and program decisions.
- The CAUT stated in its letter of May 2012 that recent RMCC budgetary cuts had been disproportionately passed onto the academic wing as opposed to the military wing.
- The RMCC Principal has a lower signing authority level than has the Commandant. As stated in the Deputy Minister's signing authority document of July 2012, the Commandant is at level C, while the Principal is at the lower level D.⁹ This means, for example, that the Commandant can authorize sabbatical leave, whereas the Principal cannot.
- This delegation of authority is consistent with the fact that in 2008 the Principal's official status/position was downgraded to a level below the Commandant—from Governor in Council (GIC) level 8 to GIC level 7.
- Given that the ability to allocate funds is a strong method of control in any organizational structure, in practice the Commandant has decision making power many of the key academic decisions the Principal is responsible for as the head of the academic wing, and therefore, the university within RMCC.

Recommendations:

- **Return the 'rank' level of the Principal to be equal to that of the Commandant (i.e. GIC level 7 to GIC level 8).**
- **Make the financial authority level of the Principal equal to that of the Commandant (i.e. move from level D to up to level C).**

⁹ Robert Fonberg (Deputy Minister), *Instrument of Delegation of Human Resources Authorities for Civilian Public Service Employees of National Defence* (Ottawa: 23 July 2012).

- **Create a separate academic budget within the defence budget on an annual basis that covers the main costs of the academic wing, including UT salaries, internal research funds, libraries, etc.**
- **Base the UT salary figure on a UT funding “grid,” comprised of a salary floor (more on this below) for each of the UT 1, UT 2, UT 3, UT 4 categories, multiplied by the number of people in each of these categories.**
- **Include this grid as part of RMCC’s overall annual funding submission, determined jointly by the Principal and Commandant.**
- **Give the Principal authority over the academic component of the funding allocation, notably the employment grid and personnel decisions. This would preserve in-year stability and allow for better long term planning of program and course offerings.**
- **Having granted academic wing authority/autonomy over its budget put in place a process whereby the academic wing, in the person of the Principal, is accountable to the Board of Governors as the oversight body and check/balance for academic decisions over the longer term.**

20. Issue 3: Lack of university control over promotions

Discussion

- A properly sanctioned promotion process does not appear anywhere in the UT Collective Agreement. This is markedly different from a civilian university, where many sections of a collective agreement are devoted to the promotion process and requirements.
- The QR&O’s refer to a Faculty Review Committee that is responsible to the Minister for matters concerning UTs, including promotion. It states that this committee is comprised of the Commander CDA, the Principal, a number of high-ranking civilian public servants, and two independent assessors.¹⁰ The commission is not aware of how this committee fits into the actual promotion process.
- The commission was provided with a copy of a separate, undated promotion document,¹¹ and we learned that this policy was followed from 2005 until the most recent round of promotion recommendations in 2010.
- The commission also learned that the Assistant Deputy Minister (Human Resources-Civilian) (ADM HR-Civ) declined to action these promotions because of the monetary implications of incumbent based promotions, and that they would not be finalized until the CMCFCA agreed to a new incumbent based promotion policy that includes quotas for professorial ranks.¹²

¹⁰ QR&O’s, Appendix 6.1, para 2.40 and 2.41

¹¹ Royal Military College of Canada, *UT Group Procedure for Applying Promotion* (undated).

¹² Turk and Noel, *Letter to the Minister*, 18 May 2012.

- “Incumbent-based promotions” refers to the incumbent of a position being promoted to a higher level in his or her own position (i.e. does not move to a new job/position) based upon the incumbents’ qualifications.¹³
- The UT promotion policy, as described in the undated document, appears to be rigorous, involving an assessment of teaching, scholarship and service by committees at various levels, who rely in part on external evaluators, and then by a Final Promotion Committee (FPC) that includes the Principal, all Deans, and three external examiners. The policy also states that promotions will be backdated to 1 July of the year in which the application is submitted.
- Much of this is consistent with civilian universities where promotions involve committees at various levels, four to six external examiners, and a recommendation to the Board of Governors. However, there are two key differences:
 - (1) At civilian universities promotions are effective 1 July of the year after the application is submitted; they are not backdated.
 - (2) Depending on the professor’s salary level at the time of original hiring, it is very often the case that a promotion involves no salary increase. The typical collective agreement establishes one “salary floor” for each rank level. If, for example, an associate professor is already being paid above the salary floor of a full professor, he or she will not get a pay raise upon promotion.
 - At most civilian universities, salaries do go up once a year if the faculty member meets the annually assessed standard for a salary increment. The amount of the increment (sometime referred to as a Career Development Increment) is the same for all faculty members who meet the standard, and it is negotiated for the term of a collective agreement.
- Employees at RMCC, including academic faculty (the UT group), are members of the Federal Public Service. They are governed by the Public Service Employment Act and ultimately report to the Treasury Board. RMCC is fully financed by the federal government and is subject to the Financial Accountability Act. The provisions of this Act are administered by the Comptroller of RMCC who reports to the Commandant.
- Incumbent-based promotions are difficult to square with a civil service pay structure in which those who are promoted must move up the pay scale. From the ADM HR-Civ perspective, it appears that a UT 3 is being paid more than a UT 2 to do the same job. Civilian universities get around this by giving incumbent-based promotions with no pay increase.

Recommendations:

- **Rank/title: Negotiate a new UT collective agreement that also incorporates and details a formal promotion process, thereby providing for professional recognition of in grade/rank advancement.**
- **Pay: Negotiate a new UT collective agreement that: (1) States promotions are effective on 1 July of the year after the (fall) application is submitted; and (2)**

¹³ Public Service Commission of Canada, *PSC Glossary* (Ottawa: Public Service Commission, February 2012), p. 14.

Specifies a salary floor for UT 1, UT 2, UT 3 and UT 4. Under a salary floor approach UTs can be promoted without receiving a higher salary.

- **The salary floors, combined with any set increment for those who meet an annually established standard, would form the basis of the UT funding grid mentioned above.**

21. Issue 4: Lack of due process in filling academic positions

Discussion

- The only statement of the academic hiring process at RMCC the Commission could find is in an unpublished report that outlines a process that involves the Public Service Commission and an official search committee.¹⁴
- But the commission learned the following:
 - On occasion in the past, a Principal had unilaterally made civilian academic appointments.
 - On occasion in the past military personnel posted to departments by the CF continued on as civilian academics in the department once they left the CF, without going through a competition for the position.
 - Some military faculty posted into military faculty positions were not fully suited for their teaching roles at RMCC, but there was little discussion with the academic wing regarding their suitability.
 - A human resources (HR) person from the DND HR unit at Canadian Forces Base Kingston (ultimately reporting to ADM HR-Civ) sometimes participated on faculty appointments committees and influenced who was put on a short list.
 - On at least one occasion the choice made by the appointments committee was over-ruled by an HR participant.

Recommendations:

- **A clear and validated process for filling all academic positions at RMCC be established, consistent with the procedures used at other Canadian universities, wherein hiring is an academic responsibility.**
- **Any role played by HR be purely supportive.**
- **To help promote academic quality, a formal procedure (perhaps a pre-posting meeting) be established under which potential military faculty appointments are discussed with the academic wing.**

¹⁴ Barton, section 2.3.

22. Issue 5: Appointment of academic administrators

Discussion

- Governance within the academic wing relies on deans and department heads that are responsible for the smooth functioning of their respective units and for representing the needs and interests of faculty, students and support staff in the academic wing as a whole.
- Persons holding these positions of responsibility are accountable both to the academic wing as represented by its governing institutions (the Senate, Faculty Council and Faculty Board) and to members of the faculty or department that they represent.
- It is important that the persons appointed to these positions enjoy the respect and confidence of their colleagues. The procedures for appointing academic administrators should be designed to ensure that representatives chosen satisfy this requirement.
- The practice in universities is for such appointments to be based on search or appointments committees whose membership is dominated by faculty members in the relevant unit, but also include suitable representatives from other academic units, and sometimes students. A senior academic administrator typically chairs these committees.
- We have been told that at RMCC, procedures for appointing deans and department heads gradually evolved after degree-granting status was obtained in 1959.
- A committee on college governance was established in the 1960s and it recommended faculty-based procedures for appointing deans and department heads—instead of appointments being the prerogative of senior administrators (e.g., Director of Studies, now known as the Principal). This was accepted by the Faculty Board and implemented.
- The first department head appointed by a faculty-based search committee was in 1972. The procedure was first applied to the selection of deans in 1980.
- The institution of appointments to deanships and department heads by a search committee was an important stage in the evolution of RMCC as a degree-granting university. It showed that standard forms of academic governance were fully compatible with co-existence within the military structure.
- The commission is not aware of the specific process in place today for selecting deans and department heads, particularly the role of faculty vis-à-vis the Principal in making appointments. We heard, however, that on at least some occasions in recent years faculty-based procedures for appointing deans and department heads were not followed.

Recommendation:

- **Procedures for appointing deans and department heads should be reaffirmed/explicitly set out and should conform to standard university procedures. Appointments should be for a fixed term and should be based on the**

recommendation of a search committee whose core membership is representative of the academic faculty in the relevant unit.

23. Issue 6: Decisions on academic matters

Discussion

- Various institutions within RMC are involved in academic governance at RMCC:
 1. The Senate is responsible for granting degrees and honorary degrees. Its members, who include both academic and military representatives, are the MND, Commandant, Principal, Vice-Principals, Deans, Registrar, Director of Cadets, Academic Director of CMR and one faculty representative.
 2. The Faculty Council decides on all academic matters, and is composed of the Principal, Registrar, Deans, Department Heads, Director of Cadets and other members the Principal may appoint.
 3. The Faculty Board makes more detailed decisions, such as deciding examination results and academic standing. It includes all academic faculty as well as officers of the military wing.
- Academic degrees at RMCC are awarded by virtue of an Act of the Ontario Legislature. Like other universities in Ontario, RMCC is a member of the COU, albeit an Associate member because it is financed by the federal government. Continued membership in COU—the main quality control and accountability body for Ontario Universities—is contingent on meeting eligibility criteria, including adherence to principles of academic freedom and responsibility. RMCC is also a member of AUCC; to maintain membership universities must satisfy a set of criteria that are virtually identical to the eligibility criteria for COU. Institutions must reaffirm their adherence to these criteria every five years, and it is the Board of Governors that does so.
- One criterion to be met is: “Authority [is] vested in academic staff for decisions affecting academic programs including admissions, content, graduation requirements/standards, and related policies and procedures through membership on an elected academic senate or other appropriate elected body representative of academic staff.”¹⁵
- Because the sole purpose of RMCC is to educate a specific group of people who will serve in the CF, the CF will necessarily have views on what it needs its future officers to study. Nonetheless, the Commission learned that on occasion the military chain of command made decisions on academic programs without involving the Principal.

Recommendations:

- **Responsibility for fulfilling the AUCC criterion above, spanning the cross section of key academic decisions, be designated to a specific body within RMCC consisting of faculty. The commission expects that this would be some combination of the Senate, Faculty Board and Faculty Council.**

¹⁵ Association of Universities and Colleges of Canada, *Criteria to Become a Member*, found at <http://www.aucc.ca>

- **Procedures be established and practiced by which academic decisions are made in collaboration and with concurrence of the larger faculty body. The expectation is for collaborative rather than a directive approach by the Principal who remains responsible for and responsive to the academic staff.**

24. **Issue 7: Lack of trust, awareness, integration and communication among various components of RMCC governance**

Discussion:

- Everyone the Commissions interviewed displayed a sincere affinity for, and a desire to continue their work with, RMCC. Nonetheless, in virtually every interview we conducted some part of the discussion revolved around a lack of awareness of what was occurring and why; a lack of confidence and trust in the processes and in some of the participants; and a lack of coordination among the 4 pillars, especially between the military and academic wings. For example, there is concern regarding who ‘owns’ the cadets’ time and/or can override other requirements.
- We understand that in the past these issues were resolved because RMCC operated within a tripartite structure, consisting of an Academic Wing, a Military Wing and an Administrative Wing, each with its specific roles to support integrated success.
- Previously, the Director of Administration and Dean of Academic Services together managed the day-to-day administration of the College. When these positions were abolished, about a decade ago, the academic wing was obliged to take on administrative functions for which it has both limited staff and experience.

Recommendation:

- **Re-create of the Director of Administration as the head of an Administrative Wing to oversee those administrative activities that most challenge and benefit the remainder of the College. This would support both the Academic and Military Wings and allow them to better engage with their responsibilities.**

25. **Issue 8: Revisiting the positions of Chancellor and Vice Chancellor**

Discussion:

- The RMCC Act of 1959,¹⁶ which created RMCC as a degree granting institution of Ontario, specified the following governance positions: Chancellor, Commandant, Director of Studies (known today as Principal), President, Registrar, Senate, and Teaching Staff (known today as Faculty Board). The Act, therefore, envisaged the Chancellor and the President as being two different persons. No mention is made of a

¹⁶ Province of Ontario, *The Royal Military College of Canada Degrees Act* (Toronto: Ontario Legislature, 1959).

Vice-Chancellor. A 1986 update in the QR&O's identifies the Minister as the Chancellor and the Commandant as the Vice-Chancellor.

- At civilian universities, the Vice Chancellor is an academic, and typically the President of the university. The Chancellor is generally a distinguished Canadian whose role is to enhance the prestige of the university.

Recommendations:

- **Given that the Principal is the head of the academic wing, consider making the Principal Vice Chancellor, responsible for overseeing and granting degrees.**
- **The Commandant would still oversee the consideration and allocation of the RMCC “post nominal”—the annotation on the degree indicating the recipient has met the standard in all four RMCC pillars.**
- **Consider appointing as Chancellor someone other than the MND. We recommend the Governor General, who brings gravitas without political prerogative. The MND would remain as President.**

26. **Issue 9: Lack of tenure for professors despite “tenure-track” on hiring posters**

Discussion:

- The Commission obtained copies of numerous RMCC hiring posters that had been posted on the AUCC website over the period 2005 to 2011. All posters advertise a “tenure-track position” with a probationary period of 36 months. The listing of employment opportunities on the RMCC website also explicitly refers to teaching opportunities for UTs as tenure track positions.¹⁷
- One definition of tenure is “permanency of appointment including the right to fair consideration for increases of responsibility and salary, and for promotions in rank, and the right of a faculty member to continue as such subject only to dismissal for just cause.”¹⁸
- The word “tenure” appears dozens of times in a typical faculty collective agreement at a civilian university. It does not appear once in the collective agreement between Treasury Board and CMCFCA (hereafter UT Collective Agreement).¹⁹
- UT's do not have tenure, even if they are classified “indeterminate” (vice term) in the federal public service, This was made clear in two legal positions obtained by the

¹⁷ RMCC website, *Employment Opportunities*, found at <http://www.rmc.ca/per/emp/index-eng.asp>

¹⁸ Carleton University, *Collective Agreement Between Carleton University and the Carleton University Academic Staff Association* (Ottawa: May 2012), para 10.1(d)(ii).

¹⁹ Treasury Board of Canada Secretariat, *Agreement between the Treasury Board and the Canadian Military Colleges Faculty Association: Group: University Teaching (All Employees)* (Ottawa: Treasury Board, Code 227, expiry date 30 June 2014) (hereafter UT Collective Agreement).

CMCFA.²⁰ The distinction between tenure and indeterminate status is small but real and becomes material when there are federal budgetary issues and Work Force Adjustment requirements.

- Consistent with the lack of tenure is the fact that the UT Collective Agreement does not outline a process for achieving tenure. The Commission heard that after the 36-month probationary period positions essentially roll over from term to indeterminate.
- This is much different from a civilian university where, in order to be granted tenure, a tenure-track professor must “go up for tenure.” That is, he or she goes through a formal review process, typically four or five years after the tenure-track appointment. The process is set out in the collective agreement and is similar to the promotion process. There are tenure-track professors who are not granted tenure when they go up for tenure.
- The collective agreement does, however, specify that RMCC faculty have academic freedom.²¹ Tenure is ordinarily seen as a guarantee of that freedom.
- Some have suggested the removal of the words “tenure-track” from future hiring posters. Instead, the potential for indeterminate status in the federal public service could be highlighted. Such jobs are desirable because they have a better pension plan than a typical civilian university.
- But the commission heard that removing the words “tenure-track” from posters would reduce the caliber of academic applicants to RMCC, and that in fact the very reason the phrase “tenure-track” is there is to attract good applicants.

Recommendation:

- **Maintain the words “tenure-track” in hiring posters. At the same time negotiate a new UT collective agreement that incorporates and details a formal tenure process.**

27. Issue 10: Role and Composition of the Board of Governors

Discussion:

- The RMCC Board of Governors was established in 1997 and is appointed by the MND. Its composition includes the Commander of CDA (who is the Vice-Chair), the Commandant and the Principal, as well as a number of prominent Canadians, both civilian and military. The MND appoints the Chair.
- One criterion for AUCC and COU membership reaffirmation is that a university has “An independent board of governors, or appropriate equivalent, that is committed to public accountability and functions in an open and transparent manner; has control over the institution’s finances, administration and appointments; includes appropriate representation from the institution’s external stakeholders (including the general public), from academic staff, from students and from alumni.”

²⁰ Written submission to the CAUT Board of Inquiry dated October 2012.

²¹ UT Collective Agreement, article 5.

- Whereas the Board of Governors of a civilian university holds de jure legal power over all aspects of the university, including financial, administrative and academic, this is not possible with respect to RMCC, which as a unit of the CF ultimately reports to the MND. It presently has no authority over financial matters and only limited authority over academic matters, although it does approve academic programs.
- Given the unique status of RMCC, the current mandate of the Board of Governors of RMCC is largely advisory to the MND. According to its Terms of Reference it:
 - Reviews and approves academic programs;
 - Reviews and advises the MND on RMCC's military program; athletic program; second language program; whether procedures for promoting UTs are followed; strategic research plan; business plan; academic program review and approval; strategic research plan; alumni relations; and student body issues; and
 - Recommends to the MND candidates for Principal.
- Despite the limited (as compared to a civilian university) authority of the RMCC Board of Governors, the Commission believes the Board could play an important role in ensuring public accountability of all aspects of RMCC in an oversight role.
- At the present time, however, the RMCC Board of Governors is compromised in its oversight and public accountability role by the following issues:
 - It does not operate in as open and transparent manner as it could. The minutes of Board meetings are not readily available as would normally be the case at a civilian university. Currently minutes of Board of Governors meetings go to the Minister.
 - Its membership is presently too narrow. The chart at Appendix A indicates that while a typical university board of governors includes around four faculty members (two from Senate) in addition to the President—who is normally a former academic—and often some students, the RMCC Board of Governors includes only the Principal and no additional faculty members, and no students.
 - Whereas the Chancellor sits on the Board of a typical civilian university, the RMCC Board of Governors does not include high-level civilian representation in the form of the Chancellor.

Recommendations:

- **The Board of Governors provide a regular report to the MND regarding the areas in its terms of reference and these reports, along with the minutes of the Board of Governors should be made publicly available.**
- **Review of the academic budget, which we recommend be under control of the Principal, be added to the Board's terms of reference.**
- **The composition of the RMCC Board of Governors be changed such that it has four (vice zero) RMCC faculty members.**

- **The composition of the RMCC Board of Governors be changed such that it has two (vice zero) student representatives (for example, the Cadet Wing Commander and his deputy).**
- **The Commander of CDA no longer sit on the Board of Governors.**
- **Membership of the Board be expanded to include a representative of the Chancellor (earlier recommended to be the Governor General). This representative would be a Canadian civilian who is a recognized leader in their field.**
- **The Board of Governor’s terms of reference include the following statement with regards to recommending candidates for Principal. "As is the standard practice in universities, the Board of Governors is responsible for striking a search committee to recommend future appointments as Principal. The search committee should include persons from the Academic Wing, who need not be members of the Board. The criteria for selecting a Principal should include academic and scholarly accomplishment and stature, as well as experience in university administration. The criteria should reflect the fact that the Principal is the leader of the Academic Wing, and as such should be respected in the academic community and able to make sound academic judgments."**

28. Issue 11: Composition of the Senate

Discussion:

- At Appendix A there is a chart providing a comparison of the membership of the RMCC Senate and the Senate of a typical civilian university Senate.
- This chart reveals that there is significantly more Faculty representation on the Senate of a typical civilian university than on the RMCC Senate (13 vice 1).
- Many of the governance concerns the Commission heard related to a sense among faculty that they do not have a strong enough voice in the academic pillar of RMC.

Recommendations:

- **The composition of the RMCC Senate be changed such that it has several more, perhaps 5 or 6 (vice 1) elected Faculty members; and**
- **The composition of the RMCC Senate be changed such that it is led by the Commandant, but that the confirmation of degrees be led by the Vice Chancellor, earlier recommended to be the Principal. (Also as mentioned earlier, the Commandant would still oversee the consideration and allocation of the RMCC “post nominal.”)**

29. Issue 12: Alignment of Human Resources (HR)

Discussion:

- The advent of more centralized HR within the Government of Canada and DND has affected the manner in which RMC conducts much of its business over the last 5 or 6 years. Previously administrative staff reported to a Director of Administration within RMCC, that is to say, they worked for someone within RMCC.
- Under “HR integration” administrative staff are at RMCC but report to an HR unit at CFB Kingston and up the chain of command to ADM HR-Civ. HR personnel wield considerable influence over administrative decisions at RMCC, without being responsible and accountable to someone at RMCC.
- The UT specialty focuses on academic expertise and is best considered in its own academic context. The present HR structure attempts to mould UTs in the form of other more common elements/classifications of the public service. What might be considered interference in UT selection and promotion can have a detrimental effect on the academic program.

Recommendations:

- **That the HR personnel and organizations assigned to support RMCC be better advised of the unique requirements which allow UTs to generate the environment of a university and to meet the expectations of the AUCC and the COU toward remaining a degree granting institution inside RMCC.**
- **That the HR personnel and organizations assigned to support RMCC be better aligned to advise and to respond to the Principal and Commandant regarding relevant HR matters.**
- **That the HR personnel at RMCC report in the first instance to a recreated Director of Administration position, discussed above.**

CONCLUSION

32. Some important issues raised are not included here because the commission did not have the time or expertise to fully consider them and make a viable recommendation, for example the role and future of the various graduate programs. In addition, Work Force Adjustment and academic staff downsizing were deemed outside the scope of our governance mandate. The Commission did spend some time considering other models of military colleges/academies, for examples of RMCC-like institutions in the United States, Britain, Australia and Japan. It chose not to examine them in detail because it felt the overall model of RMCC is the right one for Canada.

34. The commission has found the process of examining the governance structure of RMCC and making recommendations on how to improve the structure to be extraordinarily complex. The discussion sections reflect our best efforts to sort through in logical manner many of the

issues identified in our research, while the recommendations highlight the actions we believe, if implemented, would strengthen RMCC as a degree-granting university for the Canadian Forces within the Canadian federal government structure.

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Appendix A

Comparisons between RMCC and a Civilian University: Board of Governors and Senate

Board of Governor Composition

Typical Civilian University Board of Governors	RMCC Board of Governors
Chancellor President (Vice-Chancellor)	No Chancellor (MND) No President (MND) Commandant (Vice-Chancellor)
2 Faculty members No Principal (provost or VP academic)	No Faculty members Principal
Approx. 20 community at large, one of whom is Chair	10 community at large, one of whom is Chair
2 Senate representatives (these are also Faculty) 4 students 2 Alumni	No Senate representatives No students 1 Alumni Commander Canadian Defence Academy (Vice-Chair) 1 Army Colonel 1 Air Force Colonel 1 Navy Capt (N)

Senate Composition

Typical civilian university Senate	RMCC Senate²²
Chancellor President (Vice-Chancellor)	Chancellor (MND) President (MND) Commandant (Vice-Chancellor)
VP Academic (provost) VP Research VP Finance	Principal Vice-Principal Registrar
All Deans	All Deans
13 elected Faculty	1 elected Faculty
13 elected students President of student association Two Board of Governor representatives (community)	No students No student association No Board of Governor representatives Director of Cadets Principal of CMR

²² Taken from <http://www.rmc.ca>