



November 1, 2021

The Canadian Association of University Teachers
2705 Promenade Queensview Drive
Ottawa, ON K2B 8K2

Sent via email: ED.Office-Bureau.DG@caut.ca

Attention: David Robinson, Executive Director

Dear Mr. Robinson,

I am writing to confirm receipt of your letter of October 13, 2021, together with the Report of the Adhoc Investigatory Committee dated October 2021 (the “CAUT Report”).

I am pleased to note the acknowledgement of recent developments towards improving governance at PWIAS contained within the CAUT Report. As noted, these include the appointment of a designate to chair the PWIAS Board of Trustees, the commissioning, completion and public release of the Watson Report, the completion and public release of the External Review, the preparation and release of the PWIAS response to the External Review, and the re-establishment of the PWIAS Academic Advisory Board.

With respect, I disagree with the conclusions reached by the Investigatory Committee that there was an infringement upon Dr. Tortell’s academic freedom. I also disagree with the conclusion that the PWIAS Deed of Trust allows non-academic Board members to make academic decisions.

As I advised in my letter of February 8, 2019, UBC’s Vancouver Senate initiated an external review of the PWIAS, which was undertaken by a committee of international scholars. That external review was completed and the report of the committee was issued on January 24, 2020. There was no intention by the Provost to withhold this report from the Senate as was suggested by the CAUT Report, but rather the objective was to provide the Senate with a complete review, which required the input of both the Interim Director of the PWIAS as well as the Board of Trustees.

The Senate external review identifies that one of the areas that would benefit from additional attention is the governance structure of the PWIAS, established more than a quarter of a century ago. The Senate external review recognizes that UBC is legally bound to the terms of the Deed of Trust that established



this governance structure and that this Deed of Trust cannot be amended without the agreement of the Donor, Mr. Peter Wall.

The Senate external review therefore recommends that UBC work with the Donor in hope of securing changes that will further strengthen the governance framework of the PWIAS. Consistent with that recommendation, UBC has deployed significant internal and external resources which have been actively engaged with the Donor and his advisors to address the governance issues which had already been identified by UBC, and confirmed by the Senate external review. This is a complex undertaking as there are existing binding legal commitments, and a number of affected parties and constituencies.

The CAUT Report acknowledges the history behind the PWIAS, but does not, with respect, truly embrace an appropriate temporal perspective. The Deed of Trust was signed in 1991 and through the passage of time is no longer aligned with best practices, a fact with which UBC is in agreement with the CAUT Investigatory Committee. We would take this opportunity to advise that since 1991 the value of the Endowment has increased from \$15,000,000 to approximately \$140,000,000 today. The CAUT Report also mentions several UBC policies, all of which have been implemented after the date of the Deed of Trust and the commencement of UBC's legal obligations. The legal commitments created in 1991 as part of this transformational gift cannot be unilaterally changed by UBC, despite evolving gift giving practices and the passage of new UBC policies.

The CAUT Report has been shared with the Donor as part of the overall matrix of issues which are under discussion.

UBC will continue to work towards meeting the recommendations of the Senate external review and our continued commitment to the principles of academic freedom and collegial governance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Santa J. Ono'.

Santa J. Ono
President and Vice-Chancellor