

Collège des Grands Lacs: Questions and Answers

Q-1: Was the closure of the Collège des Grands Lacs (CGL) in fall of 2001 legal?

When the Minister of Training, Colleges and Universities, Dianne Cunningham, announced October 5, 2001 that the college would be closed, there was no regulation allowing such a closure, or allowing the Minister to make such a decision. Only afterwards was a regulation (i.e. Ontario Regulation, related to the “winding-up” of the Collège d’arts appliqués et de technologie des Grands Lacs) brought into force. The *Ministry of Training, Colleges and Universities Act* does not allow the closure of the college; nor has it the right to enact a regulation about its closure. The Conservative government’s decision was therefore *ultra vires*.

The government of Ontario passed the *Ontario Colleges of Applied Arts and Technology Act, 2002*. But in this act that only came into force April 1st, 2003, there is no clause saying it is retroactive. However, the fact that the government considered necessary to legislate the closure of CGL is a clear indication that the previous act did not provide that right.

OPSEU filed a second application for judicial review¹ regarding the closure of Collège des Grands Lacs, August 28, 2003. The arguments were heard before the Superior Court of Ontario in January 2005. A decision is expected shortly. The former CGL’s student also filed a complaint to the courts.

Q-2: Was the CGL’s closure expected?

No. The closure happened in a harsh way, with no consultation whatsoever, and without regard to the impact of that decision.

¹ The first application for judicial review was made in November 2, 2001.

In early September 2001, when the president of the College greeted the students, he praised then the quality of the programs, as well as the staff.

Nevertheless, when CGL's Board of Directors met on September 26, 2001, the college's president, Maxime Jean-Louis, recommended the closure of the institution. But the Board was unanimous in rejecting that proposition. The Board instead chose to pass a resolution, also unanimous, aimed at improving the Key Performance Indicators (KPI) before April 2002. The option of closing the college was not contemplated, even if the plan were to fail.

A few days later, the Ministry through Janet Hope approached Collège Boréal to see whether they would be interested in providing courses in the center-south-west region. On October 4, the Board of CGL convened for a second time, this time in camera. Maxime Jean-Louis came back with his proposal to immediately close the institution, insisting on the "the poor quality of education" and the impossibility for the College to meet its contract obligations. The Board chose this time to adopt the proposition brought forward by Maxime Jean-Louis to close the college right away, even though there was no quorum at that meeting.

On October 5, Maxime Jean-Louis told the Ministry that the Board of Directors voted to close CGL. The same day, in a press release, Minister Dianne Cunningham announced that she supported the Board's decision to close the institution. Since then, several reasons, often contradictory, have been given to justify that decision.

CGL terminated its operations at the end of December 2001 (except for a course that ended in the spring of 2002). On January 2003, regulation 28-02 came into force, allowing the Ministry to go ahead with the wind up of CGL's assets.

If we take into account the variations of student population, there were on average between 60 and 150 students at College des Grands Lacs.

Q-3: In the months following CGL's closure, on the basis of KPI, how Collège des Grands Lacs was performing compared to other colleges in the province?

In March 2001 college's KPI were released for the school year of 1999-2000. Both CGL's management and the Ministry were informed of the situation. A few months later it was alleged, on the basis of KPI, that Collège des Grands Lacs was not fulfilling its mandate which was to provide good education.

Yet, in her cross-examination before the Superior Court of Ontario in December 2004, the Ministry's representative, Janet Hope, acknowledged that CGL's KPI, for the above period, were similar to that of other colleges (such as Centennial, George Brown and Sheridan), and sometimes better.

Many of the CGL's programs were popular: one in particular, i.e. the Early Childhood Education program where the student job placement rate was 100%. Among other good performing programs were computing, networking, accounting, international trade², transmedia³, social work and tourism.

Since the closure of the college, a workforce shortage has been noticed in some areas, especially in early childhood education. Besides, employers expressed in affidavits their satisfaction with graduate students from CGL.

Q-4: Did the government conduct impact studies before it decided to close CGL three years and a half ago?

The government has done no impact study to anticipate the consequence of the CGL's closure on the francophone community in the centre-south-west region.

² A good indicator of the excellence of that program is the score obtained par CGL's students at the exam of the Forum for the International Trade Training (FIIT) in 2000. The results were above the national average, and were better than Ryerson University's.

³ A team of five CGL's students received the *Design Award* at the second year of "La course BRANCHEZ-VOUS!", a competition for Internet users to which took part students from different francophone colleges in Canada, in the spring of 1998.

In order to comply with its contract obligations, and before making its decision of closing CGL, the Ministry should have examined other options to save the institution. The fact that the Ministry made its decision the very same day it had received the recommendation of the CGL's Board of Directors, is proof that the Ministry took advantage of the situation to close an institution mostly attended by students from francophone visible minorities.

The Ministry also had a responsibility to the francophone community in the region. Thus, the consultation process that led to the creation of Collège des Grands Lacs, like that for Cité collégiale and Collège Boréal, resulted from "one of the most organized pressure movements in Franco-Ontarian history"⁴ [*unofficial translation*]. When the government considered dismantling one of these three francophone colleges, even though that notion is truly unacceptable, it should have first engaged in a thorough consultation process, similar to the one that led to its creation. But it did not happen.

Moreover, the Ministry did not take into account the fact that CGL's specific mission was to "value the development of the cultural diversity of the francophone community it serve(d) in the CSW region, to promote the French language and to foster the economic development of francophones"⁵ [*unofficial translation*].

While cross-examined before the Superior Court of Ontario in December 2004, eminent sociologist and professor Raymond Breton well demonstrated that the loss of an institution for an ethnic or a linguistic minority, in this case the centre-south-western francophones, has a negative impact on that community. "Every institution is very significant for minorities", professor Breton said.

He also explained that CGL was suffering from what sociologists call the "liability of newness", insofar as the college was only six years old when it closed. "It deserved more protection", Breton added. He gave as an example the fact he has taught in four different departments of

⁴ Anne Gilbert and Nicole Richer, "La transition vers nos établissements en Ontario français", research report made on behalf of Conseil de l'éducation et de la formation franco-ontarienne, juin 1996, <http://www.edu.gov.on.ca/fre/document/reports/transit.html>.

⁵ *Ibid.*

sociology, and some of them too, like CGL, have experienced student recruitment problems, but they did not close for that reason.

Q-5: Compared with the two other francophone colleges, is it fair to say that Collège des Grands Lacs never had equitable treatment?

To say the least, yes. Of the three francophone community colleges created in Ontario, Collège des Grands Lacs was the last created, in 1995. Ottawa's Cité collégiale, in 1989, and Sudbury's Collège Boréal, in 1994, were created according to the conventional model of colleges, with a new building including a cafeteria, a library, and laboratories. In Sudbury, an amphitheater was added for theatre activities, as well as for francophone associations, including ACFO régionale de Sudbury.

With equipment tailored for their needs, both Cité collégiale and Collège Boréal have quickly developed as top notch institutions. Furthermore, they serve as gathering places for the francophone community in their region. Cité collégiale and Collège Boréal have become important symbols of the strength and vigor of the Franco-Ontarian community in the East and the North of the province.

When it created CGL in 1995, the Ministry chose not to follow the conventional model as it did for the two previous ones. Instead of building or finding new installations for the College, it decided to set up a virtual college that would provide distance education courses in five access centers: Toronto, Welland, Hamilton, Penetanguishene and Windsor. But it did not take long for the model of that college "without walls" to prove to be a failure.

Anne Gilbert and Nicole Richer pointed out very well the inequity that burdened Collège des Grands Lacs from the outset: "The three regions of Ontario were far from equal with respect to the program diversity and quality provided in French, or in both languages, in colleges, a situation that still remains true for French colleges. Because human resources were scattered, they could not be used by new colleges, which also could not benefit from the same range of community services than before. Never mind CGL's assets [...], the latter did not start on an equal footing with the two other francophone

colleges in the province”⁶ [*unofficial translation*]. Besides, CGL had to deal with insufficient funding compared to the two other francophone colleges, as well as an assimilation rate in the centre-south-west which was the highest in the province.

In 1999, the Ministry changed CGL’s mandate so the college could offer its courses the conventional way, i.e. with professors and students in the same classroom. In 2001, another change occurred: teaching would be given only in Toronto. The management wanted to create a “small college”. But CGL’s installations did not equal the social and educational expectations of the college. There were no library, cafeteria or gathering venues in the building. Moreover, laboratories and teaching materials were irrelevant and obsolete.

Given the gap between CGL’s facilities and those of both anglophone and francophone colleges in the province, it is not surprising that CGL experienced problems in attracting students. There also was another factor: the decision of CGL’s management to cut its programs was responsible for the decrease in student numbers, not to mention that the college refused many applications from students.

Studies conducted by Collège Boréal in 2001 showed that francophone students from the center-south-west want to go to French colleges. But they also rightly want to study in an environment conducive to French study.

Thus it is clear that, from the outset, the Ministry did not provide the resources for Collège des Grands Lacs’ sustainability, as the college received a mandate only to be a virtual college “without walls,” the first ever in Ontario, where there was no expertise at all in that area, in either anglophone nor francophone colleges. Then, as we mentioned before, the Ministry changed CGL’s mandate but did not give the college either the funding and infrastructure or enough time to introduce these changes. In other words, the Ministry behaved as a “sorcerer’s apprentice” at the expense of Collège des Grands Lacs, signing away the future of this new institution. Owing to the college’s numerous problems aggravated by mediocre management, College

⁶ Gilbert and Richer, *op.cit.*

des Grands Lacs eventually had to cope with the reputation of being a “problematic institution”.

As professor Breton pointed out, it is normal for an institution to experience some problems during its first years of operation. The college’s new structure (traditional college) was in place for less than two years when the Ministry chose to close it. The new CGL strategic plan, known and approved by the Ministry, and aimed at improving college’s performance over a four year period, lasted just a few weeks. The conclusion is therefore obvious: Collège des Grands Lacs was never given the necessary time by the Ministry to become an efficient institution along with the others⁷.

Q-6: After CGL’s closure, Collège Boréal opened a campus in Toronto. Doesn’t it meet the needs of francophone students in the center-south-west?

Shortly after CGL’s closure, the Ministry asked Collège Boréal to be responsible for francophone education in the center-south-west.

Boréal, which in 2002 created a regional campus to deal with these students, now offers its programs in a wing of Centennial College, in Toronto.

But that solution cannot meet the needs of the francophone community in CSW. Centennial College, with four campuses in Toronto, is an anglophone institution. In the campus on Carlaw Avenue, where Boréal is located, discussions outside the classroom are mostly in English. Francophone students only represent one in five of the students in this Centennial campus. A francophone campus within the campus of an anglophone college represents a historic setback for francophones in this region, setting francophones back to the conditions before the three French colleges were created.

One wonders whether the current situation will encourage CSW’s francophones to finish their education in a francophone college. Many anglophone colleges offer full-fledged and attractive programs with

⁷ Three years following its creation, the president of the Council of Regents, John Farrell, openly expressed his doubts on “how long” the Collège des Grands Lacs would exist. *L’Express de Toronto*, week of 3-9 November, 1998.

appropriate material resources. A majority of francophone students in the region are bilingual. Their choice now is either to pursue a French college education in a small wing of an anglophone institution, or to study in English in an anglophone college that meets their expectations. In this case, it is likely that many francophones will choose to study in English, with the serious risk of being assimilated in the long run.

Besides, with the current model, the francophone community in CSW does not have a real say in the way the Toronto campus is managed. Collège Boréal lately made some changes in order to increase its representation in the CSW⁸. Yet, one fact remains: it is difficult to imagine how the Boréal Board, whose membership is mostly from the North, can be sensitive to the needs of the CSW's francophone community. Because the central and south-western community is composed in the majority of new immigrants, it is very different from the francophone community in the North of the province.

Finally, with the current model, the Toronto campus is not equipped to play a social role or serve as gathering venue for the community, as La Cité collégiale and Collège Boréal do in their region. Located in an anglophone building, Boréal's campus in Toronto cannot be considered as a truly independent francophone college as was CGL. It doesn't have theatre or community associations. Signs, ads and the college's image are in English-only. That campus will never be a symbol of the francophone presence in CSW, as with an independent francophone college.

Q-7: Can we make a parallel between CGL's situation with that of Ottawa's Montfort Hospital?

Those who justify CGL's closure, i.e. the Ministry and CGL's Board, dismiss the comparison made between the previous Toronto college and the Ottawa's francophone hospital in alleging that Montfort is a

⁸ The number of members on the Board from the CSW has increased to four from two (on a total of 21), and a Vice-President was appointed to oversee the delivery of college services in the region. However, there is no student or support staff representative of the Toronto Campus on the Board.

“unique and efficient institution”. According to them, that definition did not apply to CGL.

With respect to the respondents, this argument does not reflect the essence of Lalonde judgment in the Montfort case. That hospital represents a unique institution since it is the only French language teaching hospital in the province, and indeed, west of Quebec. If we endorse the argument put forward by the respondents, the creation of a second hospital similar to Montfort in Ontario⁹ would cause Montfort hospital to automatically lose its constitutional protection recognized by the Court of Appeal of Ontario.

The respondents also misinterpret the Montfort case when they argue that, to enjoy that constitutional protection, a francophone institution has to function well. Montfort’s efficiency cannot be used to limit the scope of court decisions.

The problems CGL experienced originated in large part from Ministry decisions; to begin with, in creating a virtual college, and then in not giving it the capacity to offer to the CSW’s francophone community a satisfactory educational experience. Cité collégiale and Collège Boréal’s success stories in the East and the North are convincing proof that it is possible to create a college that meets the educational and social needs of CSW’s francophones.

The unwritten constitutional principles have not been respected with respect to CGL. In 2001, the government did not have the power to unilaterally close an institution without ensuring that the rights of the minority were really protected, as it was demonstrated in the Montfort case.

The Collège des Grands Lacs was important because of its very existence. Before CGL was created, studies and consultations were conducted and it was concluded that there was a need to have a francophone community college in the CSW. Once created, that college was closed without consultation, and without evaluating the

⁹ As a matter of fact, there is already a second francophone hospital in Ontario with the Notre-Dame Hospital in Hearst which, like Montfort, provides health services in both official languages. But the Hearst hospital does not have the status of academic hospital.

impact of such a closure. Therefore, it is correct to say that, in that perspective, CGL's case looks like a "second Montfort".

Q-8: The current campaign for the reinstatement of an independent college for francophones in the CSW is going on three years after the closure of the *College*. Why?

Since the closure of Collège des Grands Lacs in 2001-02, OPSEU and the Ministry have unsuccessfully tried to settle the issue. That led the union and the francophone community to file a second application for judicial review in August 2003.

From March to November 2004, the applicants repeatedly made requests for respondents' affidavits and to cross-examine witnesses and experts before the beginning of the hearing. In December 2004, cross-examinations were held and finally, in January 2005, the respondents filed their memorandum. The hearing before the Superior Court took place in late January. The Court has reserved its judgment which is expected soon.

The respondents, i.e. the Ministry and CGL's Board, argue that the case should be dismissed because of undue delay. However, if it took more than three years to proceed in court, it's precisely because both sides had tried to settle their dispute out of court.

Moreover, the Supreme Court of Canada already stated that several factors determine whether a delay to proceed before courts is unreasonable, i.e. the length of time of the delay; the nature of the case and its complexity, the nature of the procedures, and the whether the responding party itself involved in the procedures was responsible for that delay.

In fact, in CGL's case, the applicants argue that the respondents' counsels were instrumental in that delay before the hearing took place, in refusing at first to participate in the cross-examinations.

The judicial saga and the reluctance of respondents' counsels to take part in the process mostly explain why it took so long to undertake the current campaign for the reinstatement of an independent francophone college in CSW.

Q-9: A number of people allege that CGL's closure was a decision rooted in systemic discrimination by the Ministry? Is this so?

There are different kinds of discrimination. With respect to CGL's case, the facts suggest there was two-pronged discrimination: first, discrimination in the unequal treatment compared to other francophone community colleges; second, a systemic discrimination based on race.

Of the three francophone community colleges, only Collège des Grands Lacs never had an adequate funding from the Ontario government, For instance, in its initial budget for the 1993-98 period, CGL received \$15.7 million compared to \$ 57.3 million for Boréal during the same period, whereas Cité collégiale got almost \$100 millions¹⁰.

Basically, as mentioned before, CGL suffered from unequal treatment compared to the two other francophone colleges, having to deal with inappropriate facilities, educationally and socially speaking. Incidentally, CGL's students always complained about that situation in their college's evaluation, even while expressing their satisfaction about the teaching and the value of the programs. Had the Collège des Grands Lacs have a more discriminating management and leadership, and perhaps the worst could have been avoided.

On the other hand, of the three French community colleges in Ontario, only one had in majority students of colour , i.e. Collège des Grands Lacs. More than the half of CGL's students were of African or Caribbean origin, whereas 30% of the College staff were workers of visible minorities.

Those numbers only reflect the francophone demography in Toronto. For instance, according to Statistics Canada, francophone visible minorities represented, in 1996, 22% of the francophone population in the GTA. In the nineties, francophone visible minorities in Toronto, as

¹⁰ Gilbert and Rocher, *op.cit.*

almost everywhere in Ontario, kept growing¹¹. It is easy to notice this new reality, demographically speaking, in the French schools of Toronto¹².

Therefore, one wonders whether the decision to close Collège des Grands Lacs was driven by ethnocentric attitudes or simply by a conscious drive to quietly assimilate those francophones of African and Caribbean origin. The coincidence is rather astonishing.

Q-10: Is a new independent college for the francophone community in the CSW possible?

When Collège des Grands Lacs was closed three years ago, Dalton McGuinty's Liberals were absolutely mute. Then, last month, in response to a letter sent by OPSEU President Leah Casselman who was requesting a meeting with the Minister of Training, Colleges and Universities to review the whole issue, Mary-Anne Chambers dodged the invitation claiming the case was before the courts.

The supporters of the reinstatement of a truly independent French language community college in the CSW have not been waiting for that government to take action. That's why, in February 2005, a group of people from community, educational and cultural constituencies gathered, aiming at expanding current support for the project. The movement called *Notre Collège (Our College)* has been officially backed up by the Ontario Public Service Employees Union (OPSEU).

Contrary to the conventional wisdom conveyed by status quo advocates, there is a critical mass of francophones in CSW¹³. Among others, there are the graduates of the French public and catholic secondary schools in the region; those represent a currently underserved student pool which could easily allow more than one Francophone College to exist in this very region.

¹¹ The North-East of Ontario was the exception. <http://www.ofa.gov.on.ca/english/stats/profgen-demo.html>.

¹² In some francophone schools in the GTA, up to 80% of the population is of African origin. *L'Express*, week of February 1-8, 2005, p. 5.

¹³ According to Statistics Canada, in 2001, close to a half-million people in the GTA declared having knowledge of both official languages. <http://www.statcan.ca/english/Pgdb/demo16a.htm>.

But to achieve this, political will is needed by the McGuinty Liberals to redress the blatant inequity against the former CGL's students and staff as well as francophone community in CSW.

In his report entitled *Ontario, A Leader in Learning* released in February 2005, Bob Rae has a recommendation to establish by this fall a new advisory to the Minister of Training, Colleges and Universities on francophone post-secondary education, "widely representative of [...] the francophone community", this committee should be a "new forum for dialogue"¹⁴. In this respect, the supporters of the reinstatement of a full-fledged francophone community college in the center-south-west, who lately launched the movement *Notre Collège*, also want to be part of that committee as members of the "francophone community".

The Rae report stresses on the fact that "the issues and solutions for French-language higher education [in Ontario] must be better understood"¹⁵. We share this analysis and we also believe that it fits the current situation of postsecondary education in CSW. For that reason, the provincial government should immediately respond to the request to review this whole issue.

April 19, 2005

¹⁴ Bob Rae, *Ontario, a Leader in Learning*, Post-secondary Review. Report and recommendations released in February 2005, p. 44

¹⁵ *Ibid.*, p. 45