

Chapter 4

The Politics of Higher Education Governance Reforms in Canada



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Abstract Since 1995 Canadian federal and provincial governments' higher education policies have altered governance arrangements in Canada's higher education sector, intruding on university governance in some areas and retreating in other areas. A variety of structural, legal, treasury and information-based policy mechanisms have been employed by governments in new ways to achieve governance reform. Neo-institutionalism captures the impact of Canadian federalism and the unique features of the legislative framework for higher education on the politics of the reforms. While the reforms have been embraced by some policy actors in higher education, they have been resisted by others. The politics associated with the reforms have intensified intergovernmental relations in higher education and presented challenges to institutional autonomy, leadership, and collegial decision-making.

Introduction

This chapter examines the politics of Canadian higher education governance reforms identifying the trajectory of changes and the factors that have influenced policymaking in this sector. The analysis employs a neo-institutional framework and draws upon findings from three research studies of: the development of postsecondary education systems in Canada; Canadian higher education policymaking; and the legislative framework of higher education in Canada. A central objective of the chapter is to set out the Canadian higher education legislative and policy context, and to identify relationships between government and higher education institutions. The chapter provides a critical analysis of the changing role of the state in Canadian higher education governance. The focus and analysis are primarily on the publicly funded system that dominates higher education policy in Canada. Specific attention will be given to the university sector in Canadian higher education. The chapter will

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conclude with implications for university level academic decision-making, institutional autonomy, and the role of the academic profession in governance.

Conceptual Framing

This chapter employs neo-institutionalism as its analytical framework. This approach argues that individual and collective actions in policy making are influenced by structural and organizational features within the policy context (Howlett et al., 2009; Powell & DiMaggio, 1991). Within this framework “institutions” are broadly conceived as including formal organizations and bureaucracies but also comprise markets, laws, legislative frameworks, cultural codes, traditions, and rules that may enable or constrain decision-making. Macro level, social, cultural, economic, and political contexts are assumed to influence individual behaviour, interpretations of policy problems and policy solutions. Power dynamics, ideologies, pressures, networks, within institutions and between actors contribute to policy-making. In this respect identifying the contextual features of the policy-making arena that influence decision-making are central to a neo-institutional understanding of governance. This analytical lens offers an understanding of convergence and divergence in higher education. Historical approaches capture the political consequences of decisions that influence subsequent paths taken by policymakers. Such path dependence can lead to divergence in higher education systems (Hall & Taylor, 1996; March & Olsen, 1996; Searle, 2005; Thelen, 1999; Thelen & Mahoney, 2010). Sociological approaches offer a cultural explanation for the blurring of traditional sectors and views higher education as a homogenizing, organizing, rationalizing force in society that leads to the convergence of structures and processes (Meyer et al., 2007; Bromley & Meyer, 2014).

Neo-institutionalism is a good starting point in examining Canadian higher education governance which has been shaped by federalism and Canada’s constitutional division of powers. The parliamentary system and the unique dynamics of federal-provincial relations in Canada affect policymaking. Higher education in Canada is embedded in a broader political, economic, social, bureaucratic, and historical context. It has evolved in response to unique legislative, structural features and diverse identities and values, that are reflected in language, culture, and religion within the country. Regional differences and disparities across a vast geography, enable and constrain higher education policymaking. Publicly funded universities and colleges in Canada are creations of provincial legislatures. Provincial histories, laws and cultural environments have influenced the development of provincial systems of higher education which each have unique regulatory environments. That is to say – history, context, and structure matter in understanding Canadian higher education governance (Axelrod et al., 2011; Jones & Noumi, 2018; Shanahan, 2015a).

Method

This chapter draws from the findings of three separate studies of Canadian higher education policy and governance. Using fundamental legal analysis and descriptive critical policy analysis, in a new meta-analysis across data collected during these three projects, this chapter identifies the political and legislative framework with a view to illustrating the political dimensions of higher education governance. These findings are brought together with scholarly literature, government reports and statistical data on Canadian higher education to illustrate the politics involved in Canadian higher education reform, and to analyze the implications for higher education in Canada. Together the data from these three projects provide a rich profile of governance in Canadian higher education and identify the shifts that have occurred in the last three decades.

The first project *The Development of Postsecondary Education systems in Canada* was a comparative, multiple case study of the evolution of postsecondary systems in British Columbia, Ontario, and Québec between 1980 and 2010 (see Fisher et al., 2006, 2009, 2014; Shanahan et al., 2014). Set in a policy sociology tradition the purpose of the first study was to compare the impact of postsecondary policies on system outcomes across the three Canadian provinces. Data was collected between 2002 and 2010 and included indicator and secondary statistical data, documentary and policy analysis data, and qualitative interviews. The documentary data was combined with thirty-one qualitative interviews of key policy makers across the three provinces.

The second project *Making Policy in Canadian Postsecondary Education since 1990* analyzed the development of Canadian post-secondary policy between 1990 and 2010, both at the federal and Ontario provincial levels (see Axelrod et al., 2011, 2012; Trilokekar et al., 2013; Shanahan et al., 2016; Wellen et al., 2012). This project drew from policy sociology as well as historical and neo-institutional framings and focused on four areas of higher education policy in Canada: funding; research and development; accessibility and student assistance; and internationalisation. Data was collected between 2008 and 2013. Data sources included documentary evidence and over 60 interviews with federal and provincial (Ontario) government and education stakeholders. This data was augmented by policy documents and reports (government and non-governmental) that fleshed out the case context.

The third project *Canadian Higher Education Law* was a legal study of key features and issues in Canadian higher education (see Shanahan et al., 2015; Shanahan, 2019). The study employed a legal framework and doctrinal research methods combined with higher education policy analysis. Central foci included: state governance arrangements; the legislative framework; the legal role of the federal and provincial governments; institutional governance; the rights and freedoms of faculty and students; legal issues associated with research ventures, knowledge mobilization, commercial activities, partnerships with industry, and land development projects. A

wide range of documentary sources and legal analysis of case law, legislation, regulation, and policy governing the higher education policy sector across Canada was utilized. Data collection took place between 2010 and 2015.

Canadian Context

Canadian Federalism and Higher Education Governance

Canada's federal legislative framework, constitutional division of powers and parliamentary system of governance have played important roles in shaping the politics of higher education governance. A central feature of Canadian federalism is the autonomy of each level of government (federal and provincial). Governance over all levels of education is decentralized across the country according to the constitutional division of powers that gives the provinces exclusive law-making authority over education. Federally, in Canada, there is no dedicated national department/ministry with executive decision-making authority over higher education across the country. As a result, each provincial higher education system is unique and, historically, has developed in response to the needs of their respective regions (Shanahan, 2015a).

Although governance arrangements for higher education vary across the ten provinces and three territories, there are some common features across Canada. Higher education is largely state-regulated, secular, and dominated by publicly funded institutions in two primary sectors: universities and colleges. Provincial higher education systems are relatively homogenous and un-stratified. Universities in Canada enjoy high institutional autonomy relative to other jurisdictions (Eastman et al., 2019; Shanahan & Jones, 2007) a feature enshrined in Canadian case law (Shanahan, 2019). University professors are not civil servants but are treated as employees of universities and, also, as constituents of the academic collegium (Gilligan-Hackett & Murray, 2015). Professors have academic freedom protected by collective agreements, university governing statutes, and case law (Gilligan-Hackett & Murray, 2015; Shanahan, 2015c).

While the federal government has no legal authority to make laws in education, it does have legitimate areas of jurisdiction that intersect with higher education. For example, the federal government has constitutional authority over the country's economic development, national defense (crime and prisons), external affairs, Indigenous affairs, and anything that falls under the broad category of "national interest." Through these constitutional areas, the federal government supports and funds: research in universities and colleges; apprenticeship and vocational training; higher education infrastructure projects; student financial assistance programs; graduate student scholarship programs; and international higher education initiatives. The federal government also educates military personnel and operates two institutions: the "Royal Military College of Canada," which offers university level

degrees and the “Collège militaire royal St-Jean,” which offers college degrees and one university degree. Additionally, the federal government plays a role in higher education systems in the three northern territories in Canada: the Northwest Territories, Yukon, and Nunavut (Fisher et al., 2014, 2006; Paquette & Fallon, 2010; Shanahan, 2015a, b).

The Politics of Intergovernmental Relations

Canada’s system of decentralized federalism shapes the politics of intergovernmental relationships which are fraught with tensions and contradictions. It has been described as “collaborative federalism” (Bakvis & Skogstad, 2008, p. 9) because there are multiple overlapping areas with the provincial governments in higher education where both levels of government have legitimate authority (for example, in international higher education). However, in the case of higher education reforms, the federal government has proceeded, on occasion, unilaterally without consulting with the provinces in a manner more akin to “executive federalism” (Bakvis, 2008, p. 218). The federal government’s fiscal treatment of the provinces has been characterized as unequal and “asymmetrical” in that it does not treat all provinces alike in its support and funding and does not have a set of principles to do so (Stevenson, 2006). Cameron has argued in the higher education sector Canadian federalism is a “chequerboard” (1991) or “schizophrenic” (1997, p. 9 & 27) because the federal policy approach is not a cohesive strategy but rather consists of activities and spending in disparate areas intersecting with higher education. Cameron suggests the federal government’s approach in higher education has involved making “bold proposals” in one area then “backtracking” in another area (Cameron, 1997, p. 27). He argues this has left a historical legacy of incrementalism in the federal government’s approach to higher education policy, advances and retreats, a patchwork of programs but no overarching national vision of higher education and no clear structural, legal or policy mechanism to achieve such a vision.

Nevertheless, the federal government has exerted enormous influence over Canadian higher education through spending in areas of legitimate constitutional jurisdiction that intersect with higher education, without having any direct constitutional legal authority over higher education. This governance approach has been characterized as “fiscal federalism” (Brown, 2008, p. 6; Shanahan, 2015b, at p. 33; Stevenson, 2006, at p. 63). It has been distinguished as “soft federalism” when the federal government uses its spending powers to induce change, rather than employing law-making authority and/or sanctions (Eastman et al., 2019, p. 334 citing Watts, 1992, p. 18; Fisher & Rubenson, 1998, at p. 77).

Intergovernmental relations in Canada are generally managed directly between federal and provincial leaders, facilitated by a federal Minister of Intergovernmental Affairs, and guided by principles within a series of accords and agreements (Lazar, 2006; Simeon & Nugent, 2008). The Canadian system of parliament concentrates decision-making power in the hands of a few and has made the policymaking

process a restricted and elitist affair (Bakvis & Skogstad, 2008). At the federal level without direct constitutional authority and no department of education, the role of the prime minister's office in directing higher education policymaking is heightened. Higher education governance in Canada tends to happen in a top-down approach from the First Ministers office. The leaders of government (both federal and provincial) accompanied by their financial and treasury ministers form a powerful inner circle and are key decision-makers (Axelrod et al., 2011; Simeon & Nugent, 2008; Savoie, 2010).

Higher education policy implementation at the federal level is diffuse and opaque, spread over numerous federal departments rolling out from the prime minister's office. For example, at the federal level responsibility for postsecondary education can be divided between several departments including: Industry Canada (which oversees the research granting councils); Health Canada; Human Resources and Skills, Development Canada (which develops student's assistance policy); Foreign Affairs and International Trade (responsible for international education). Governance co-ordination, and policy direction can be haphazard without an anchor department that has resources to lead federal higher education policy development. Shared responsibilities across and within two levels of government is difficult to discern and navigate for policy actors and stakeholders who have narrow access to a handful of political leaders and decision-makers. Relationships and understanding the government's priorities are key for lobbyists, networks, and advocacy groups to exert influence in the Canadian political landscape (Axelrod et al., 2011; Savoie, 2010; Shanahan et al., 2016; Trilokekar et al., 2013).

Intergovernmental relations and higher education governance in Canada are often a messy, politically charged process between the federal and provincial government (Axelrod et al., 2011; Lindquist, 1999). In this context, the lack of a national co-ordinating structure or office is a significant feature shaping Canadian higher education governance and policymaking. There are various views in the literature as to whether this is a benefit or impediment to higher education governance. Some scholars have suggested these features have hindered national higher education dialogue and planning, the development of a national research data collection system, and the creation of a national quality assurance system (Jones, 2014).

By contrast others have observed that these features have protected provincial autonomy over higher education, preserving distinct regional higher education characteristics, and ensuring that provincial higher education systems are responsive to the needs of local populations. This latter view may be most pronounced in the province of Québec, whereby Québec, "exceptionalism" is a defining feature of the federal-provincial relationship and tensions between the two levels of government play out prominently in higher education governance (Fisher & Rubenson, 2014, p. 17). Jurisdictional issues over higher education has been identified as "one of the most sensitive issues facing the federal government in its relations with Québec" (Trottier et al., 2014, p. 201). In Québec, higher education, and its associated role in scientific research has been seen by the political elite as a mechanism of nationalism to achieve [Québec] emancipation (Gingras, 1996) and a cultural affair (Umbriaco et al., 2007). Consequently, Fisher and Rubenson have observed that in the higher

education realm “Québec has played the most significant role in both protecting its own autonomy and, by extension, pushing the federal government to observe at least the relative autonomy of other provinces” (2014, p. 13). A dramatic example of Québec’s position can be observed at the end of the 1950s, when the Québec government of Maurice Duplessis refused subsidies from the federal government aimed to support university research (Racine-St-Jacques, 2020).

The Changing Approach of the Federal Government in Higher Education

Important shifts in the federal government approach to higher education governance and policymaking began in 1995 amid a recession. They are best discernible in the areas of transfer payments to the provinces, student financial assistance and research funding. The period following 1995 has been referred to as the “Quiet Revolution” whereby the federal government exerted stronger influence on higher education, through fiscal policy by directly investing in students, faculty and institutions at the same time withdrawing from transfer payments to the provincial government (Eastman et al., 2019; Shanahan, 2015b; Shanahan & Jones, 2007; Tupper, 2003 as cited in Bakvis, 2008 p. 205).

Changing Transfer Payments

Transfer payments from the federal government to the provinces have evolved over time into unconditional block funding nominally earmarked for health, education, and social welfare. Between 1995 and 2000 the federal government began to dramatically reduce and restructure payments to the provinces. A second restructuring and reduction of the transfer payments occurred in 2003–2004. The transfer cuts dramatically and negatively impacted provincial general revenues. Provincial governments responded in a variety of ways to the reductions in transfer payments including cutting their province’s postsecondary institutions operating budgets. Some provinces allowed postsecondary institutions to increase tuition fees to make up for the loss of revenue (for example Ontario), while other provinces froze tuition fees (for example British Columbia) (Bakvis, 2008; Fisher et al., 2006, 2009, 2014; Rexe, 2015; Shanahan, 2015b; Shanahan & Jones, 2007). The federal government actions demonstrated a greater desire for control and accountability from the provinces for federal funds. It signalled the federal government’s retreat from providing operating support to the province for higher education. Instead, it would employ other mechanisms to invest directly in higher education institutions that bypassed provincial coffers.

Federal Financial Aid and Tax Incentives for Students

The effect of the federal transfer reductions was ultimately felt by university students across Canada whose tuition fees, on average, doubled in five years across programs. The trend of students carrying more of the direct cost of their postsecondary education continued through the decades to follow 1995 and raised concerns about access and affordability of Canadian postsecondary education as student debt levels rose. In response the federal government enhanced some of their financial student aid programs expanding eligibility criteria, alleviating repayment provisions, providing additional support for underrepresented groups in higher education, and establishing private sector student loans mechanisms. The federal government also introduced several tax credits and incentives for tuition, books, and other associated education costs. At the same time the federal government created an educational savings program to encourage families to save for their children's postsecondary education that matched family contributions with government funds and provided a tax shelter program from interest on contributions (Bakvis, 2008; Fisher et al., 2006, 2009, 2014; Shanahan, 2015b; Shanahan & Jones, 2007).

The politics of exercising their spending powers can be seen in 1998 when the federal government took advantage of a budgetary surplus and created the Canada Millennium Scholarship Foundation (CMSF), an independent, non-governmental, not-for-profit, corporation that provided needs-based grants and merit-based scholarships. The CMSF was endowed for 10 years and became a major source of student grants in the student financial assistance program. From a neo-institutional perspective, the creation of the CMSF illustrates the importance of individuals working within decision-making structures. This was a case of a leader (the then Prime Minister Jean Chretien) seeking to create a legacy project, driving policy direction, and bypassing formal decision-making processes, cabinet, and caucus in the process (Axelrod et al., 2011). Rather than reverse the transfer funding cuts and provide the provinces with more funds, the federal government sought to control the budget surplus spending and receive direct credit for the reinvestments in higher education. The CMSF also initially had major stakeholder support within higher education across Canada from student organizations, university and college advocacy bodies, and the university teachers' association, who had come together in 1996 to produce a position paper on student assistance in a united front to government which helped to get it off the ground (Axelrod et al., 2011).

Unfortunately, the CMSF was not well received by the provinces and caused political tensions, particularly in Québec. Notwithstanding its independent, arms-length status, it overlapped provincial student financial assistance plans. Québec Premier Lucien Bouchard wanted the funds channelled through the provincial student assistance plans (Axelrod et al., 2011). The provinces argued that the CMSF constituted unilateral federal spending, contravening the principles of the (federal-provincial) *Social Union Framework Agreement* (SUFA) which required consultation and collaboration when the federal government spent funds in areas of provincial jurisdiction (Lazar, 2006). It was viewed by the provinces as a blatant federal

intrusion into provincial jurisdiction. The provinces pushed back. They threatened to reduce the provincial contributions to student aid in proportion to the CMSF funding to thwart the federal government objectives of putting additional funding in the hands of students instead of giving it to the provinces through transfer payments. When its endowment ran out after 10 years in 2008, the CSMF was not renewed by the federal government. It was ultimately replaced by the federal government-controlled Canada Students Grants Program (CSGP) which consolidated all federal student grants into one single program and introduced a loan forgiveness program. At this point the government had changed and the new Prime Minister, of a different political party, had no desire to continue his predecessor's legacy (Axelrod et al., 2011, 2012; Fisher et al., 2006, 2014; Shanahan, 2015b; Shanahan et al., 2016; Trilokekar et al., 2013).

The Federal Government's Investment in Higher Education Research Funding

Historically the federal government has been the primary external investor in university research through three granting councils that support investigator-initiated research: the Social Sciences and Humanities Research Council (SSHRC); the Natural Sciences and Engineering Research Council (NSERC); and the Canadian Institutes of Health Research (CIHR). The federal government's withdrawal in providing indirect operating support for higher education institutions through transfer payments to the provinces was accompanied by massive investment in higher education research. This action put funds directly into the hands of faculty, students, and institutions in various ways. With the budget surplus in 1995 the federal government reorganized the research councils and expanded funding to higher education research (Polster, 2007). In the decade between 1998 and 2008 the federal government investment in postsecondary research peaked with a flurry of initiatives being announced almost annually, in an amount comparable to the total received by the provinces in the block transfer payment for education and social welfare under the Canada Social Transfer (Bakvis, 2008). The decade from 2008 to 2018 culminated with the largest ever increase in funding for fundamental research through Canada's granting councils—more than \$1.7 billion over five years (Government of Canada, 2019; Statistics Canada, 2018).

With federal investment came steering, as conditions and eligibility requirements were attached to the new research funding. Collaborative research networks, partnerships, and matching funding requirements reorganized how federally funded research was being conducted by faculty at universities and colleges. The federal government expanded and then consolidated the *National Centers of Excellence* program that linked government, academic, and industry researchers across Canada in strategic, virtual, applied science networks. By 2018 this initiative evolved into five research superclusters, called the *Global Innovation Cluster Program*

supported by matching industry funding up to \$1 billion over 5 years (Govt of Canada, 2017). In 1997 the federal government created the *Canada Foundation for Innovation*, an independent arms-length foundation, to fund research infrastructure leveraging matching funds through public-private-government partnerships to support research in universities, colleges, hospitals, and other not-for-profit institutions (Shanahan, 2015b).

In 2000 the federal government announced the *Canada Research Chair (CRC)* program that created university research professorships, providing universities with salaries and the awarded professors with research funds. This program has been renewed annually and expanded since 2000. In 2001 the federal government announced funding for the indirect cost (overhead) of research in higher education institutions that supports operating costs including maintaining research laboratories and managing intellectual property. Between 2008 and 2019, the federal government has increased its investment in graduate student research creating substantial, new masters, doctoral and postdoctoral scholarships (Canada, 2016; Govt of Canada, 2018; 2019). Between 2019 and 2022 as the global context shifted with a global pandemic, war, rising inflation and recession, neo-nationalism and populism, the federal government became focussed on security, recovery and economic growth targeting its investment in higher education research on commercialization and innovation, support of health and biomedical research in hospitals and higher education institutions, enhancing artificial intelligence and protecting research at Canadian universities creating a new cyber security research centre to advise higher education institutions (Douglass, 2021; Govt of Canada, 2021, 2022). Overall, this enormous injection of funds into the higher education system was a substantial catalyst for change in Canadian higher education.

Implications of Federal Funding Reforms for Higher Education Governance

The reforms in higher education research funding reflect a shift in support of purely curiosity-based basic research towards strategic support of applied science research and innovation that could be commercialized or mobilized to advance the government economic and social objectives. New structures to increase research capacity have been created such as independent corporations that operate as arms-length foundations. Private sector funds have been leveraged through private-public funding mechanisms to achieve the federal government goals. Using arms-length foundations to channel research funding to higher education institutions allowed the federal government to avoid criticism from the provinces around federal interference in provincial domain. It also allowed the government to devote large, strategic, one-time endowments, in times of budgetary surplus without long-term, on-going, financial commitment. Although the new structures are insulated from political pressure, they also are beyond government control and oversight. Some of the new

structures operate outside the federal granting research councils which typically are charged with the task of organizing university-based peer review of potential award candidates. Instead, the new organizations convene their own independent panels of experts to select and award funds. This arrangement creates uncertain accountability, transparency, and reporting lines.

Findings across the three projects suggest federal research funding to universities has had a huge gravitational pull, on higher education institutions' behavior, activity, planning, organizational units, and human resource research infrastructure. There is evidence of the federal government's penetration of the university itself, for example influencing university hiring of research chairs and in what area. In its proffering salaries for professorial research chairs in universities (who would also teach, thus saving the university money spent on salaries) the federal government is reaching into universities in new ways that lie outside its constitutional jurisdiction. The offer of funds in selected disciplinary areas, along with conditions and eligibility requirements for awards all steer and constrain institutional behaviour and individual research activities. The federal government's process for awarding research funding in some cases also required universities to submit institutional strategic plans showing how the research chair would support and align with the university mission (Axelrod et al., 2011, 2012; Eastman et al., 2019; Fisher et al., 2006; Shanahan, 2015b; Trilokekar et al., 2013).

The impact of the change in the nature and scope of research being done by higher education institutions during this period has had implications for internal institutional governance. Research capacity increased as did the complexity of the arrangements with virtual networks and partnerships across the country complicating the organization and co-ordination of research activities. Ethics protocols, risk management, academic freedom, intellectual property, and project management to name a few key issues, emerged as governance and administrative priorities requiring new layers of management within universities. The working conditions of faculty researchers significantly intensified necessitating the need for managers with expertise to help with the complexity. University institutional culture tilted towards their research missions and away from their teaching missions. The massive amount of money came at a time when universities were starving for resources after years of recession-based cutbacks and austerity measures from both levels of governments, amplifying the effects on institutional behaviour, cultures, working environments and institutional missions (Bakvis, 2008; Cameron, 2002; Eastman et al., 2019; Maltais, 2016).

The re-organization was not just within institutions, it also impacted the higher education systems across Canada. The nature and scope of the federal government's policy had the beginning effect of introducing stratification and differentiation into a relatively flat and homogenous postsecondary system. The new resources and award processes favoured the research-intensive universities, compounding existing regional resource disparities. The Presidents of the top research-intensive universities began meeting and lobbying federal and provincial governments as a group, based on their mutual interests, and have branded themselves as the *U15 Group of Canadian Research Universities* to fully capitalize on the opportunity the funding

presents. Diversity and competition in Canadian higher education emerged based on research intensity, productivity, and outputs. At the same time academic drift began to take place as both university and college sectors began competing for the research funds. Colleges sought to expand their research missions and mandates into university territory. Funding requirements for collaboration resulted in new partnerships between universities and colleges with hybrid governance arrangements. With this the traditional binary structure of Canadian higher education began to change. Arguably the federal government's funding reforms contributed to concomitant convergence and divergence in higher education.

Significantly, the mechanisms employed by the federal government, have focussed on putting funds in the hands of higher education institutions and individual researchers effectively going around provincial governments. The reforms were implemented top-down by the federal government with very little consultation of constituents within the higher education community across Canada. The decision-making circle was very tight. Only a few elite policy actors within the university community, who had power, networks, and the political acumen to recognize the opportunity, were part of the process (Axelrod et al., 2011, 2012; Shanahan et al., 2016; Trilokekar et al., 2013).

These federal policies were resented by the provincial governments, particularly in Québec where they triggered separatist anger as an intrusion into provincial jurisdiction. Historically the Québec government has been "far more inclined than the governments of other provinces to resist federal government intervention" (Trottier et al., 2014, p. 284; Axelrod et al., 2011). However, Bakvis argues that during this time most of the provincial governments largely acquiesced in the face of the federal government research initiatives calling it "an excellent example of uncontested independent action by the federal government" (2008, p. 205). Pragmatically, the provinces were in a quandary. Withholding provincial support to universities who accepted the federal funds would prove costly and the provinces were not in a financial position to make up the differences (Axelrod et al., 2011).

While the provinces resented the intrusions, the university Presidents welcomed them. Findings from the three studies show that some of the university presidents had a significant role in lobbying the government for increased research funding, targeting key decision-makers such as the federal Finance Minister and Deputy Minister, and the Minister and Deputy Minister for the Department of Industry who were responsible for the research granting councils. The university presidents recognized the open policy window and the possibilities it presented. They knew who to approach. Presidents, including Martha Piper of UBC, Robert Pritchard of University of Toronto and Robert Lacroix of the University of Montreal and Paul Davenport of the University of Western Ontario, all emerged as key influential figures. These presidents were able to capitalize on their own good relationships with government officials at both levels to bridge any gaps between the provincial and federal governments in harnessing the funds. They engaged the broader higher education community enlisting the help of Robert Giroux, leader of the Association of Universities and College of Canada (AUCC) a former, well-respected veteran of public service who had access to the federal finance department. They also brought

the Canadian Association of University Teachers (CAUT) on board, in a united front, to make the case to the federal government for more postsecondary support. They had their own private sector, corporate and industry networks to fundraise and leverage matching funding to take advantage of the new initiatives (Axelrod et al., 2011; Bakvis, 2008; Cameron, 2002; Fisher et al., 2006; Trilokekar et al., 2013).

The federal government's willingness to invest in higher education research may be attributed to the confluence of several factors: the federal fiscal situation; the funding was invested in endowed initiatives that were "one-time only", and there was public concern about Canada losing their best researchers to other jurisdictions because of the lack of research support (i.e., 'brain drain'). External forces of globalization, internationalization, new technologies, and more recently pandemics, and cyber security threats have catalyzed federal government research and innovation policy. Politically, these factors aligned with the government's belief that higher education research would drive the knowledge economy which was central to their economic objectives. Politicians, civil servants, and the public were all receptive to the policy direction. The federal government's investment also circumvented the provincial government. In rolling out the policy, federal government used powerful treasury tools in a manner that were within its spending power jurisdiction and within its constitutional authority over the economy (Axelrod et al., 2011, 2012; Shanahan et al., 2016)

Provincial Higher Education Governance Arrangements, University Institutional Autonomy, and the Politics of Higher Education

In Canada higher education governance arrangements, the regulatory framework, policy mechanisms and institutional structures have evolved distinctly in each province. Each province has various statutes that organize higher education, constitute institutions giving them the power to operate and grant degrees, and each province has arrangements for quality assurance and accountability. In addition, there are numerous education and non-education statutes, at the provincial and federal level that intersect with higher education governance (Fisher et al., 2014; Shanahan, 2015c, d). Provincial governments tightly regulate the establishment of publicly funded universities, which dominate the higher education policy field. Publicly funded universities in Canada are typically created by an Act of the (provincial or federal) Legislature or less typically by royal charter. They are legally constituted as not-for-profit, charitable, corporations. As charities, publicly funded universities in Canada are subject to the laws of trusts and charities, and their board of governors owe the highest fiduciary duties as trustees to the university (Shanahan, 2019). As independent corporate entities, Canadian universities are subject to the laws of the land in the same way as a private person. The government gives the university the power to internally govern themselves in their constituting statute which serves as

an institutional “constitution” and sets out governance arrangements within the university. In this respect universities are creatures of provincial legislatures and only the legislature has the power to withdraw or amend their governing statute. The powers of provincial ministers of higher education to intervene in university governance varies across Canada and depends on the specific wording of the provincial legislation setting out the governance arrangements in each province.

As a practical matter this self-governance arrangement means university internal decision-making is protected from external interference. Once established, Canadian universities enjoy considerable operational independence from the government in the management of their day-to-day affairs. Legally, this institutional autonomy means that provincial governments and Canadian courts have been reluctant to interfere with internal university decisions and disputes with their internal constituent members (faculty, students, staff). Case law and major government commissions have enshrined this principle of institutional autonomy and non-intervention (Cutt, & Dobell, 1992; Davis, 2015; Shanahan, 2019).

Historically, Canadian universities have not experienced heavy government regulation, nor has the market or private sector played a large role in their evolution in the past. Traditionally institutional autonomy has been associated with four fundamental freedoms for Canadian universities: freedom to set curriculum and evaluations standards; freedom to hire faculty of their choice; freedom to set admission for students; and freedom to pursue research (Arthurs, 1987; Winchester, 1985). Consequently, government intrusion into universities in Canada has generally been limited to the passing of originating statutes setting out the university constitution and its powers; accounting for government funding; and regulating the system including tuition fee frameworks and quality assurance around degree programs. The government does not direct programming or teaching. Universities have considerable control over their academic standards, admissions, degree requirements, program offerings, and staff appointments and promotion (the latter subject to employment contracts and collective bargaining agreements). Formal institutional accreditation is not a feature of Canadian higher education because of the relative homogeneity of universities across Canada. However, professional accreditation occurs at the programmatic level for professional degrees leading to licensure (such as law, education, engineering, medicine, nursing etc.) presenting minimal intrusions that are tolerated by universities. Therefore, the politics of programmatic accreditation play out at the Faculty level and not at the institutional level (Shanahan, 2015c).

Since the passage of the *Canadian Charter of Rights and Freedoms* in 1982, there is a heightened sensitivity to individual rights and freedoms in disputes between government and citizens that has spilled into the university context and penetrated university self-governance. Although Canadian universities are independent, autonomous, corporate entities, they nevertheless “exist uncertainly on the line between a public and a private institution” in Canada (Davis, 2015, p. 61.) They are “quasi-public institutions” (Lucier, 2018; Farrington & Palfreyman, 2006, p. 92) in that they receive public funds, they are created and regulated by the provincial government, and they deliver public education at the post-secondary level which is

within the constitutional authority of the provincial governments. Developing *Charter of Rights and Freedoms* case law has contributed to a changing understanding of the legal nature of the university which has implications for governance. This case law suggests that in their daily operations Canadian public-funded universities are not creatures of government; however, when they are carrying out government policy or acting pursuant to government legislation, they may be considered government agents and therefore their actions will attract Charter scrutiny. For example, in delivering public postsecondary education curriculum universities may be considered government actors (hence public entities), but in employment, collective bargaining and internal labours relations universities are not government actors but rather are private employers (Davis, 2015; *Pridgeon v. University of Calgary*, 2010; Shanahan, 2015a). Similarly, courts have found that university presidents in Canada may be considered “public” officials (*Freeman-Maloy v. Marsden*, 2006; Shanahan, 2019).

The uncertain public-private nature of the Canadian university can confuse institutional governance and decision-making, especially in terms of the legal duties of university leadership. For example, across Canadian provinces we are seeing legal challenges of institutional autonomy in disputes between universities and their constituent members (students, faculty, and other university employees) seeking judicial review of the actions of senior leadership/management representing the university and asking for the intervention of courts to review and redress university decisions (Davis, 2015; Gilligan-Hackett & Murray, 2015; Shanahan, 2015a). In response, some provinces have revised their higher education legislation and removed any doubt about the public-private nature of the university explicitly stipulating in the enacting university statutes that the universities are carrying out governmental activities *on delegated government authority* making universities government agents which allows for government intrusion (for example, Alberta’s *Post Secondary Act*, 2003). This trend clearly diminishes institutional autonomy.

Internal Institutional University Governance

Bicameralism

Given the public nature of postsecondary education in Canada coupled with institutional autonomy of universities, the politics around university governance has typically been expressed at the institutional level. In Canada, institutional university governance is a shared proposition between parallel governing boards or decision-making bodies. Universities in Canada have a dual governance structure: a hierarchical, managerial, corporate structure and a democratic, representative, collegial structure, a “community of scholars.” Both structures are legally recognized by the Supreme Court of Canada case law (see: *Harelkin v. University of Regina*, 1979); in law neither is paramount, neither structure negates the other. However, this is not

always the case in practice, causing role confusion and scope of authority issues between the two bodies. The competing aspects of the managerial and collegial governance structures makes university governance a complicated endeavour, fraught with politics and tensions, and fashioned by history, custom, usage, statutes, and old and new case law (Davis, 2015; Shanahan, 2019).

Institutional governance structures of Canadian universities vary by province and by institution but the dominant model across Canada is bicameralism as recommended by the *Flavelle Commission* of 1906. Bicameralism distinguishes management issues from academic and educational policy issues and allocates responsibility for each to reside in two specialized governing boards made up of and reflecting the interests of various constituents of the university and government. In this model, academic policy and educational matters are the authority of a senior decision-making body made up of members internal to the university, the majority of which are faculty. This body is typically referred to as the academic senate. The daily financial management and administration of the university is the responsibility of board of governors/trustees made up of members primarily appointed by government, external to the university, but also includes elected members from constituents within the university. The Canadian university governance model is democratic and constituency-based, in that constituent members of the university (faculty, students and administrators) may elect representatives to serve on the senate and board of governors (Duff Berdahl, 1966; Jones et al., 2004; Jones & Skolnik, 1997; Shanahan, 2019).

Role of Custom

Davis reminds us that the governance of the Canadian university is also shaped by “academic policies, custom and usage” (Davis, 2015, p. 64). These may include historical or unwritten ways of operating over a significant period, that have become the established conduct of the university. The notion of academic customs and usage as part of governance is protected by the courts (see: *Kulchyski v. Trent University*, 2001) and extends to many sacred governing principles defended within Canadian universities including academic freedom and the ownership of academic work. This means that history matters in Canadian university governance. Past governance practices within an institution establishes legal precedent and policy interpretation for that institution going forward. This feature of university governance in Canada contributes to path dependence and divergence in institutional governance.

The Role of the Academic Profession in Governance

Statutes and internal governance by-laws vary across provinces and across universities in setting out the precise relationship between the academic profession and the university. The governance role of the academic profession is preserved in Canadian universities most prominently in the form of the senate. The historical trend in Canadian university governance has been towards the democratization of university boards (senates and governing boards) to include more faculty and students, following a national study which concluded that faculty were inadequately represented on university boards and students inadequately represented on senates and called for increased cooperation between boards and senates (Duff-Berdaahl, 1966). Structurally, university boards are designed for democratic representation and collective decision-making. Inevitably conflict in decision-making is a natural part of the democratic process, making governance messy and slow. In general, academic professors who participate in university governance have dual, sometimes conflicting, responsibilities: they are elected to their role by their constituency and answerable to them, but they also have a duty to the “university” as a whole and must protect its best interests.

These democratic features of Canadian university governance have presented challenges for university leadership. Contemporary corporate management approaches to university governance are more hierarchal, eschew conflict and view collective decision-making as inefficient. Moreover, since the mid-1990s governments have exerted more pressure on universities, intensifying strategic planning. In times of constrained resources and increasing accountability reporting, institutions must manage resources and be responsive to government demands in ways that the university governance structure was not built for. In this political-economic context the collegial versus the corporate governance cultures have clashed and caused tensions in decision-making between various university constituencies—managers, faculty, and students (Davis, 2015; Farrington & Palfreyman, 2006; Shanahan, 2019). In Canada studies show that the perception of faculty on their influence over decision-making decreasing with institutional size and the associated styles of top-down management typical of large institutions. This scholarship suggests that faculty perceive their role in governance eroding at the institutional and faculty/school level while retaining most of their influence in areas of core academic activities (Metcalf et al., 2011).

The increasing trend toward unionization of Canadian university employees, including the academic profession, has also affected institutional governance. Between 1971 and 2004 almost 80% of Canada’s university faculty associations had been certified as bargaining agents under the applicable labour relations statutes. The development of the legal framework and case law around faculty employment in Canada has diminished the autonomy of postsecondary institutions over faculty employment (Gilligan-Hackett & Murray, 2015; Metcalf et al., 2011). Moreover, academic faculty (in publicly funded institutions) are now typically both unionized employees as well as self-governing professionals. There are inevitably tensions between these two roles that play out in the politics of governance. Unionized

faculty participating in governance are often dismissed as an “interest group” and are constrained in their representation of their constituency within the university collegium due to university conflict-of-interest policies.

The politics of unionization are activated on campus around issues of academic freedom, shared collegial governance, the terms, and conditions of employment (including tenure and promotion, discipline, and termination), collective bargaining and strike action. Some scholars have suggested that the disempowerment of the university senate may be the inevitable result of the unionization of the academic profession in Canada (Bruneau, 2009; Cameron, 2002; Gilligan-Hackett & Murray, 2015; Jones et al., 2002; Metcalfe et al., 2011). Cameron argues that unionization has introduced adversarial style politics and relationships into the governance environment which has subsumed collegial relationships and decision-making (2002). Employee-employer collective agreements between faculty organizations and the university, setting out terms of employment and working conditions, are set within a framework of collective bargaining and labour legislation within the province. These legal instruments are primarily grounded in contract and employment law that have been utilized to protect principles of self-governance and collegiality. In this respect unionization may have overtaken traditional governance structures in defining the relationship between the university and the academic professions.

Trends in System Level University Governance Arrangements

Post-World War II massification and the federal government’s decision to provide free tuition for returning veterans began a trajectory of dramatic expansion and demand for higher education in Canada. System expansion brought funding, system co-ordination, system planning, and quality assurance to the forefront of policy priorities for successive provincial governments in the decades to follow. This context was complicated by the changing political economy of the 1990s which included an economic recession, globalization, advances in internet and technology, internationalization and the mobility of students and labour markets, and the rise of neo-liberal political ideology which positioned higher education as a private good and shifted its costs to students away from government. These conditions set the stage for major shifts in federal and provincial governance in higher education (Austen & Jones, 2016; Fisher & Rubenson, 1998).

Embedded in regional and cultural contexts provincial higher education systems in Canada have responded idiosyncratically to these political-economic challenges. For example, Ontario, Alberta, and British Columbia have experienced greater pressures to align higher education with the labour market and government economic priorities (Fisher et al., 2014; Shanahan & Jones, 2007). Whereas Québec’s higher education system’s governance is infused with a nationalist ideology and a role for civil society. Higher education is perceived as a lever for developing a distinct society, as part of the building of Québec as a nation not merely a province within the

Canadian federation. As a result, Trottier et al. (2014) suggest that Québec's system evolution has been less influenced by marketization than other provinces.

Common features of Canadian higher education began to change as provinces moved in different directions in their governance of provincial higher education systems in response to the political-economic environment. One evident trend is that provincial governments are reaching for institutional differentiation as a possible mechanism to manage and respond to increasing demands for higher education (Shanahan, 2015c; Shanahan & Jones, 2007). As higher education expanded across Canada a new range of postsecondary institutions, structures and programs emerged increasing the diversity within Canada's provincial systems blurring a pure binary divide and complicating government regulation. The non-university sector is evolving, varying by province in form, function, structure, and programming. Degree granting is expanding to the non-university sector dismantling the university monopoly that previously characterized Canadian higher education. Canadian universities grant academic baccalaureate, masters, and doctoral and professional degrees; while colleges and non-university institutions now offer broad programming including applied, associate and bachelor's degrees, in addition to certificates and diplomas in technical and vocational programming as well as trade licensure. The Canadian higher education sector now includes polytechnics, public colleges, specialized institutes, and community colleges, institutes of technology, colleges of applied arts and technology, CEGEPs, and career colleges. New kinds of institutions have emerged and new partnerships between institutions have been created (Shanahan, 2015c).

To promote access, structurally there is a trend across provinces towards establishing pathways through the higher education system between colleges and universities sectors as well as between institutions within a sector. At the same time structural legacies have presented challenges in the governance arrangements of some provincial systems of higher education. For example, in Ontario the college sector was created in the mid-1960s to operate parallel to the university sector without an explicit transfer function. The historical silos of the two sectors in this province have proved a stubborn structural arrangement for the government to dismantle. Meanwhile other provinces across Canada have developed student pathways through the higher education system between colleges and universities. In some provinces the colleges have historically fed directly into the university system (such as Québec), or there is a transfer mechanism between colleges and universities (such as British Columbia and Alberta).

Across the country as higher education systems expand and become more complex provincial governments have responded in various ways, employing a variety of strategies and mechanisms to organize and steer the system. There is evidence of a general shift toward system-level co-ordination and governance. Provincial governments are employing broad public sector legislation that capture publicly funded universities and colleges. Governments are exerting more control over higher education systems, increasing regulations, and creating new bodies to help organize the provincial systems and to advise the government. Most provinces have adopted legal, treasury/funding and market-like mechanisms as policy tools to allocate

resources including competitive, targeted, matching funding mechanisms that encourage partnerships with industry and leverage private sector resources. Arguably these mechanisms present governance challenges because they devolve regulatory influence, and in some cases authority to bodies outside government and universities, in the process undermining university autonomy and compromising provincial government control over the system (Bruneau & Savage, 2002; Shanahan et al., 2014; Shanahan & Jones, 2007).

Quality and accountability have become a priority with institutional differentiation, programmatic diversification, and the international mobility of students. To manage an increasingly complex higher education environment provinces have employed new kinds of quality assurance frameworks for degree recognition in conjunction with institutional contracts attached to funding (Marshall, 2008; Shanahan, 2015c; Shanahan & Jones, 2007; Weinrib & Jones, 2014). For example, in some provinces (for example Ontario and British Columbia) governments have introduced institutional mandate agreements (also referred to as contracts or mandate letters). These are legal agreements between provincial governments and institutions that set out performance expectations and goals, institute reporting requirements against targets, and attach government operational funding to performance-based outcomes. There are inevitable implications for institutional autonomy in these trends not only in terms of the pull exerted on institutional missions by targets and performance indicators, but also in terms of new forms of regulation and reporting requirements to organize and ensure quality and accountability goals (Fisher et al., 2014; Shanahan & Jones, 2007).

One consequence of this trend within the university is a mushrooming of administrative operations responsible for collecting data and managing the required government reporting. Universities have become “sprawling conglomerates” with important societal, economic, and intellectual responsibilities (Fallis, 2007, p. 17). As a not-for-profit corporation and charitable organization, the university is exposed on several fronts to risk and legal liability and is governed in its activities and relationships by multiple areas of law including employment, labour, contract, human rights, constitutional, administrative, and intellectual property law, just to name a few. All of this has led to the increasing role of full-time managers responsible for an array of administrative and accountability exercises in both financial and academic areas. The expanding ranks of managers at Canadian universities, a phenomenon evident in other jurisdictions, has altered the collegial culture and imported business sector values, knowledge and attitudes associated with New Public Management, that some critique as antithetical to the university’s traditional mission and role in society (Bernatchez, 2019; Deem, 1998; Lea, 2009)

Some observations can be made about governance reforms in this changing Canadian context. Politically, constituent consultations in higher education around these changes have varied widely across the provinces and across various political administrations at different points in time. In some cases, the process of reforms has been “draconian,” “reactive,” and “ad hoc,” while in other cases they have been “rational,” “incremental,” “consultative,” and “collaborative,” reflecting an ongoing tension between centralized decision-making within government and decentralized

decision-making within the higher education sector (Fisher et al., 2014, pp. 336–337). Furthermore, in the flux of the Canadian higher education landscape there is evidence of system, sector, and institutional convergences and divergences happening at the same time. Convergence is apparent in the academic drift of non-university institutions increasingly offering degrees, activities previously the purview of universities. Similarly federal government research funding has had enormous gravitational pull on all higher education institutions, yet at the same time it has had the effect of stratifying provincial higher education systems across the country based on institutional research capacity. Path dependence is at work as provinces respond to their unique regional demands and historical system structures. High institutional autonomy of universities bolstered by provincial differentiation policies and distinct institutional mandate letters has encouraged institutional diversity.

In such a complex and fluid environment, leadership matters at all levels. At the provincial level, the Premier's policy directions have prevailed setting directions for major changes in higher education. Politically the support of key government officials and civil servants to champion policy initiatives within government have also been critical to successfully influence policy directions. Within the university context the power and political acumen of university presidents and high-level managers has increased at the expense of the academic faculty who have become more removed from institutional decision-making (Metcalf et al., 2011). To be effective leaders, board of governors and university presidents must be pragmatic and political: strategically advocating for their institution's interests, targeting key decision-makers within government, knowing government priorities, and understanding government pressures and constraints. They must have strong relationships with community groups and private industry to leverage partnerships and to fund raise. Leaders must be astute communicators and media savvy to promote their institution not only to prospective students but to prospective investors, donors, and politicians (Axelrod et al., 2011; Stromquist, 2009; Bruneau, 2009).

Conclusion: Features and Reforms in Canadian Higher Education Governance

Higher education in Canada has become an increasingly complicated governance environment. The neo-institutional lens is especially helpful in capturing the distinctive features of Canadian higher education that shape and politicize governance at all levels: federally, provincially, and institutionally. Neo-institutional theories elucidate how organizations and governments work, how system organization influences policy choices, and how policymaking can be an exercise of individual political power within governance structures. Neo-institutionalism also captures the contradictory dynamics of convergence and divergence: path dependence associated with historical legacies (Thelen & Mahoney, 2010) as well as rationalization associated with external isomorphic pressures on organizations (Bromley & Meyer,

2014). In Canadian higher education both are occurring simultaneously as federal and provincial government reach for various mechanisms to regulate and steer an increasingly complex system.

The politics of higher education governance reforms in Canada are shaped by the tension between centralization and decentralization of power that runs through the legislative structural arrangements. Although constitutionally legal authority over education is decentralized to the provinces, power over all sectors is politically, and in practice, controlled by individuals in the highest level of government because of Canada's parliamentary system of governance which centralizes decision-making power in the First Ministers offices. At the same time individuals are captured by the idiosyncratic governance structures and the legislative framework of Canadian higher education. These include federalism, the constitutional division of powers, and the dual, shared governance model of universities. These institutional features distribute power: enabling or constraining decision-making. Canadian higher education governance frameworks are the result of historical, socio-cultural, and political legacies evolving uniquely by province. But they are influenced by, and must respond to, contemporary environmental forces such as political- economic conditions that exert strong isomorphic pressures (Fisher et al., 2006, 2014; Rexe, 2015; Shanahan et al., 2016; Shanahan, 2015a).

Canadian federalism and the primacy of provincial government jurisdiction in education have caused political conflicts in intergovernmental relations in higher education policymaking. Federal spending powers have been used in highly influential ways in higher education bypassing provincial oversight, resulting in a high degree of federal government penetration into provincial higher education governance. Environmental forces such as globalization and internationalization in higher education have introduced a greater overlap between areas of provincial and federal jurisdictions which has exacerbated the intergovernmental tensions. Provincial and federal governments have instituted an array of reforms and innovative structural, legal and treasury strategies that have arguably transformed Canadian higher education. At the forefront of these initiatives have been the introductions of competitive, matching, and targeted funding schemes and performance-based funding mechanisms that have altered institutional behaviour and paved the way for stratification and differentiation in a relatively homogenized system of higher education (Axelrod et al., 2011, 2012; Fisher et al., 2014; Shanahan, 2015b; Trilokekar et al., 2013).

Recent trends and government's responses to them, in Canadian higher education, have had clear implications for university governance at the system and institutional level. At both levels of government (federal and provincial) we see stronger state control and steering of higher education driven by system expansion and demand for access propelled by the belief that higher education is an important economic and social driver. The higher education sector is increasingly captured by broader public sector legislation shifting the public/private nature of publicly funded universities. Universities are increasingly seen as public, democratic spaces as opposed to private, ivory towers. In the complex contemporary context, university governance and leadership are critically important and have come under increasing scrutiny. All these developments in Canadian higher education have constrained

institutional autonomy, challenged collegial and managerial governance structures, and altered institutional culture.

References

- Alberta. *Post Secondary Learning Act, 2003*.
- Arthurs, H. (1987). The question of legitimacy. In C. Watson (Ed.), *Governments and higher education- the legitimacy of intervention* (pp. 3–16). Higher Education.
- Austen, I., & Jones, G. (2016). *Governance of higher education: Global perspectives, theories and practices*. Routledge.
- Axelrod, P., Desai-Trilokekar, R., Shanahan, T., & Wellen, R. (2011). People, processes, and policymaking in Canadian post-secondary education, 1990–2000. *Higher Education Policy*, 24(2), 143–166.
- Axelrod, P., Shanahan, T., Wellen, R., & Desai Trilokekar, R. (2012). The politics of policymaking in postsecondary education in Canada and the province of Ontario, 1990–2000. In Schuetze, Bruneau, & Grosjean (Eds.), *University governance and reform: Policy, fads and experience in international perspective* (pp. 77–95). Palgrave/Macmillan.
- Bakvis, H. (2008). The knowledge economy and post-secondary education: Federalism in search of a metaphor. In H. Bakvis & G. Skogstad (Eds.), *Canadian Federalism* (pp. 205–222). Oxford University Press.
- Bakvis, H., & Skogstad, G. (2008). Canadian federalism: Performance, effectiveness and legitimacy. In H. Bakvis & G. Skogstad (Eds.), *Canadian Federalism* (pp. 3–23). Oxford University Press.
- Bernatchez, J. (2019). « Le nouveau management public et l’université québécoise: quelle influence? ». In Louis Demers (ENAP), Jean Bernatchez et Michel Umbriaco (TELUQ) (dir.), *De l’administration à la gouvernance des universités: progrès ou recul?* (pp. 63–79). Presses de l’Université du Québec.
- Bromley, P., & Meyer, J. (2014). “They are all organizations”: The cultural roots of blurring between the non profit, business, and governmental sectors. *Administration & Society*, 49(7), 939–966.
- Brown, D. (2008). Fiscal federalism: Searching for balance in fiscal federalism. In H. Bakvis & G. Skogstad (Eds.), *Canadian Federalism* (pp. 63–88). Oxford University Press.
- Bruneau, W. (2009). Professors in their place: Governance in Canadian Higher Education. In H. Schuetze, W. Bruneau, & Grosjean (Eds.), *University governance and reform* (pp. 47–63). Palgrave.
- Bruneau, W., & Savage, D. (2002). *Counting out the scholars*. Lorimer.
- Cameron, D. (1991). *More than an academic question: Universities, government, and the public policy in Canada*. IRPP.
- Cameron, D. (1997). The federal perspective. In G. Jones (Ed.), *Higher education in Canada: Different systems, different perspectives* (pp. 9–29). Garland Publication.
- Cameron, D. (2002). The challenge of change: Canadian Universities in the 21st century. *Canadian Public Administration*, 45(2), 145–174.
- Canada. (2016, May 5). Office of the Parliamentary Budget Officer. *Federal Spending on Postsecondary Education* (p. 24). Ottawa, Canada. Retrieved at: www.pbo-dpb.gc.ca
- Canadian Charter of Rights and Freedoms*, s 8, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.
- Constitution Act, 1867*, (30 & 31 Victoria) c3, s91 (24).
- Cutt, J., & Dobell, R. (Eds.). (1992). *Public purse, public purpose: Autonomy and accountability in the groves of academe*. Institute for Research on Public Policy.

- Davis, B. (2015). Governance and administration of postsecondary institutions. In T. Shanahan, M. Nilson, & L. Broshko (Eds.), *The handbook of Canadian Higher Education Law* (pp. 58–79). McGill-Queens University Press.
- Deem, R. (1998). New managerialism' and higher education: The Management of Performances and Cultures in universities in the United Kingdom. *International Studies in Sociology of Education*, 8(1), 47–70.
- Douglass, J. (2021). *Neo-nationalism and universities: Global perspectives on politics and policy and the future of higher education*. John Hopkins University Press.
- Duff, J., & Berdahl, R. (1966). *University government in Canada: Report of a commission sponsored by the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada*. University of Toronto Press.
- Eastman, J., Jones, G., Bégin-Caouette, O., Noumi, C., & Trottier, C. (2019). Federalism and university governance in Canada. *Canadian Public Administration*, 62(2), 333–355.
- Fallis, G. (2007). *Multiversities, ideas, and democracy*. University of Toronto Press.
- Farrington, D. J., & Palfreyman, D. (2006). *The law of higher education*. Oxford University Press.
- Fisher, D., & Rubenson, K. (1998). The changing political economy: The public and private lives of Canadian Universities. In J. Currie & J. Newson (Eds.), *Universities and globalization: Critical perspectives* (pp. 77–98). Sage.
- Fisher, D., & Rubenson, K. (2014). Introduction and overview: PSE in three Canadian provinces. In D. Fisher, K. Rubenson, T. Shanahan, & C. Trottier (Eds.), *The development of postsecondary education systems in Canada: A comparison between British Columbia, Ontario, and Québec, 1980–2010* (pp. 3–34). McGill – Queen's University Press.
- Fisher, D., Rubenson, K., Clift, R., Bernatchez, J., Jones, G., Lee, J., MacIvor, M., Meredith, J., Shanahan, T., & Trottier, C. (2006). *Canadian federal policy and post-secondary education*. University of British Columbia, Centre for Policy Studies in Higher Education and Training (CHET).
- Fisher, D., Rubenson, K., Jones, G., & Shanahan, T. (2009). The political economy of post-secondary education: A comparison of British Columbia, Ontario, and Québec. *Higher Education*, 57(5), 549–566.
- Fisher, D., Rubenson, K., Shanahan, T., & Trottier, C. (Eds.). (2014). *The development of postsecondary education systems in Canada: A comparison between British Columbia, Ontario, and Québec, 1980–2010*. McGill – Queen's University Press.
- Flavelle, J. (1906). *Royal Commission on the University of Toronto, 1905–06*. Government of Ontario.
- Freeman-Maloy v. Marsden*, 2006 CanLII 9693 (ON CA).
- Gilligan-Hackett, P., & Murray, P. (2015). Faculty employment at Canadian postsecondary institutions. In T. Shanahan, M. Nilson, & L. Broshko (Eds.), *The handbook of Canadian higher education law* (Queens Policy Study Series) (pp. 167–189). McGill-Queens University Press.
- Gingras, Y. (1996). *Science, culture et nation*. Éditions Boréal.
- Government of Canada. (2017). *Budget 2017: Building a strong middle class*. Government of Canada.
- Government of Canada. (2018). *Budget 2018: Equality & Growth: A strong middle class*. Government of Canada.
- Government of Canada. (2019). *Budget 2019: Investing in the middle class*. Government of Canada.
- Government of Canada. (2021). *Budget 2021: A recovery plan for jobs, growth & resilience*. Government of Canada.
- Government of Canada. (2022). *Budget 2022: A plan to grow our economy & make life affordable*. Government of Canada.
- Hall, P. A., & Taylor, R. C. R. (1996). Political science and the three new institutionalisms. *Political Studies*, 44(5), 936–957. <https://doi.org/10.1111/j.1467-9248.1996.tb00343.x>
- Harelkin v. University of Regina*, [1979] 2 S.C.R. 561.
- Howlett, M., Ramesh, M., & Perl, A. (2009). *Studying public policy: Policy cycles & policy sub-systems*. Oxford University Press.

- Jones, G. A. (2014). Building and strengthening policy research capacity: Key issues in Canadian higher education. *Studies in Higher Education*, 39(8), 1332–1342.
- Jones, G. A., & Noumi, C. (2018). Canada: Provincial responsibility, federal influence, and the challenge of coordination. In M. Carnoy, I. Froumin, O. Leshukov, & S. Marginson (Eds.), *Higher education in federal countries* (pp. 96–125). Sage.
- Jones, G., & Skolnik, M. (1997). Governing boards in Canadian Universities. *Review of Higher Education*, 20(3), 277–295.
- Jones, G. A., Shanahan, T., & Goyan, P. (2002). Traditional governance structures – current policy pressures: The academic senate and Canadian universities. *Tertiary Education and Management*, 8(1), 29–45. <https://doi.org/10.1080/13583883.2002.9967067>
- Jones, G. A., Shanahan, T., & Goyan, P. (2004). The academic senate and university governance in Canada. *Canadian Journal of Higher Education*, 34(2), 35–68.
- Kulchyski v Trent University*, [2001] OJ No 3237 (ONCA), leave to appeal to the SCC denied, [2001] SCCA No 516.
- Lazar, H. (2006). The intergovernmental dimensions of the social union. *Canadian Public Administration*, 49(1), 23–45.
- Lea, D. (2009). The managerial university and the decline of modern thought. *Educational Philosophy and Theory*, 43(8), 816–837.
- Lindquist, E. (1999). Efficiency, reliability, or innovation? Managing overlap and interdependence in Canada's Federal System of governance. In R. Young (Ed.), *Stretching the federation: The art of the state in Canada* (pp. 35–69). Queen's University, Institute of intergovernmental Affairs.
- Lucier, P. (2018). Une université québécoise. In *L'Université du Québec 1968–2018* (pp. 21–41). Presses de l'Université du Québec.
- Maltais, M. (2016, May 11). Mutations récentes des universités québécoises: effet de système de nature financière, ACFAS, Montréal.
- March, J. G., & Olsen, J. P. (1996). Institutional perspectives on political institutions. *Governance*, 9(3), 247–264. <https://doi.org/10.1111/j.1468-0491.1996.tb00242.x>
- Marshall, D. (2008). Differentiation by degree: System design and the changing undergraduate environment in Canada. *Canadian Journal of Higher Education*, 38(3), 1–20.
- Metcalfe, A., Fisher, D., Gingras, Y., Jones, G., Rubenson, K., & Snee, I. (2011). The changing academic profession in Canada: Perspectives on governance and management. In W. Locke, W. Cummings, & D. Fisher (Eds.), *Changing governance and management of higher education: Perspectives of the academy* (pp. 151–174). Springer.
- Meyer, J., Ramirez, F., Frank, D., & Schofer, E. (2007). Higher education as an institution. In P. Gumpert (Ed.), *The sociology of higher education* (pp. 187–221). John Hopkins University Press.
- Paquette, J., & Fallon, G. (2010). *First nations education policy in Canada: Progress or gridlock?* University of Toronto Press.
- Polster, C. (2007). The nature and implications of the growing importance of research grants to Canadian universities and academics. *Higher Education*, 53(5), 599–622.
- Powell, W., & DiMaggio, P. (Eds.). (1991). *The new institutionalism in organizational analysis*. University of Chicago Press.
- Pridgeon v. University of Calgary* [2010] ABQB 139 Can Lii.
- Racine-St-Jacques, J. (2020). *Georges-Henri Lévesque – Un clerc dans la modernité*. Éditions Boréal.
- Rexe, D. (2015). Thawing a tuition freeze: Two Canadian cases of policy change in comparative perspective. *Canadian Political Science Review*, 9(2), 79–111.
- Savoie, D. (2010). *Power: Where is it?* McGill-Queens University Press.
- Searle, J. R. (2005). What is an institution? *Journal of Institutional Economics*, 1(1), 1–22.
- Shanahan, T. (2015a). The legislative framework of postsecondary education in Canada. In T. Shanahan, M. Nilson, & L. Broshko (Eds.), *The handbook of Canadian higher education law* (Queens Policy Study Series) (pp. 3–16). McGill-Queens University Press.

- Shanahan, T. (2015b). The role of the federal government. In T. Shanahan, M. Nilson, & L. Broshko (Eds.), *The handbook of Canadian higher education law* (Queens Policy Study Series) (pp. 17–36). McGill-Queens University Press.
- Shanahan, T. (2015c). The role of the provincial government. In T. Shanahan, M. Nilson, & L. Broshko (Eds.), *The handbook of Canadian higher education law* (Queens Policy Study Series) (pp. 37–56). McGill-Queens University Press.
- Shanahan, T. (2015d). Provincial regulation of postsecondary education. In T. Shanahan, M. Nilson, & L. Broshko (Eds.), *The handbook of Canadian higher education law* (Queens Policy Study Series) (pp. 301–337). McGill-Queens University Press.
- Shanahan, T. (2019). Good governance and Canadian universities: Fiduciary duties of university governing boards and their implications for shared collegial governance. *International Journal of Education Policy and Leadership*, 14(9). <https://doi.org/10.22230/ijep.2019v14n8a861>
- Shanahan, T., & Jones, G. A. (2007). Shifting roles and approaches: Government coordination of post-secondary education in Canada, 1995–2006. *Higher Education Research and Development*, 26(1), 31–43.
- Shanahan, T., Jones, G., Fisher, D., & Rubenson, K. (2014). Contradictory trends in postsecondary policy in Ontario 1985–2010. In D. Fisher, K. Rubenson, T. Shanahan, & C. Trottier (Eds.), *The development of postsecondary education systems in Canada: A comparison between British Columbia, Ontario, and Québec, 1980–2010* (pp. 122–200). McGill–Queen’s University Press.
- Shanahan, T., Nilson, M., & Broshko, L. (Eds.). (2015). *The handbook of Canadian Higher Education Law* (Queens Policy Study Series). McGill-Queens University Press.
- Shanahan, T., Axelrod, P., Desai Trilokekar, R., & Wellen, R. (2016). Policymaking in higher education: Is a “theory of everything” possible? In J. M. Case & J. Huisman (Eds.), *Researching higher education: International perspectives on theory, policy, and practice* (pp. 132–151). Routledge.
- Simeon, R., & Nugent, A. (2008). Parliamentary Canada and Intergovernmental Canada: Exploring the tensions. In H. Bakvis & G. Skogstad (Eds.), *Canadian federalism* (pp. 89–111). Oxford University Press.
- Statistics Canada. (2018). Table 27-10-0025-01 Provincial estimates of research and development expenditures in the higher education sector, by funding sector and type of science (× 1,000,000). <https://doi.org/10.25318/2710002501-eng>
- Stevenson, G. (2006). Fiscal federalism and the burden of history. In *Fiscal federalism and the future of Canada: Selected proceedings from the conference*. Institute of Intergovernmental Relations.
- Stromquist, N. (2009). The provost office as key decision-making the contemporary US university: Toward a theory of institutional change. In H. Schuetze, W. Bruneau, & G. Grosjean (Eds.), *University governance and reform* (pp. 25–47). Palgrave.
- Thelen, K. (1999). Historical institutionalism in comparative politics. *Annual Review of Political Science*, 2(1), 369–404. <https://doi.org/10.1146/annurev.polisci.2.1.369>
- Thelen, K., & Mahoney, J. (2010). *Explaining institutional change: Ambiguity, agency, and power*. Cambridge University Press.
- Trilokekar, R., Shanahan, T., Axelrod, P., & Wellen, R. (2013). Making postsecondary education policy: Toward a conceptual understanding. In P. Axelrod, R. Wellen, T. Shanahan, & R. D. Trilokekar (Eds.), *Making policy in turbulent times: Challenges and prospects for higher education* (Queens Policy Study Series) (pp. 33–58). McGill-Queens University Press.
- Trottier, C., Bernatchez, J., Fisher, D., & Rubenson, K. (2014). PSE policy in Québec: A case study. In D. Fisher, K. Rubenson, C. Trottier, & T. Shanahan (Eds.), *The development of post-secondary education systems in Canada: A comparison between British Columbia, Ontario, and Québec, 1980–2010* (pp. 200–290). McGill – Queen’s University Press.
- Tupper, A. (2003). The Chretien government and higher education: A quiet revolution in Canadian public policy. In G. B. Doern (Ed.), *How Ottawa spends, 2003–2004* (pp. 105–117). Oxford University Press.

- Umbriaco, M., Maltais, M., & Lavoie, M. (2007). Le financement des universités Québécoises et la question de leur gouvernance. *L'Autre Forum*, 12(1), 21–24.
- Weinrib, J., & Jones, G. (2014). Largely a matter of degrees: Quality assurance and Canadian universities. *Policy and Society*, 3(33), 225–236.
- Wellen, R., Axelrod, P., Desai-Trilokekar, R., & Shanahan, T. (2012). The making of a policy regime: Canada's post-secondary student finance system since 1994. *Canadian Journal of Higher Education*, 43(3), 1–23.
- Winchester, I. (1985). The concept of university autonomy an anachronism? In C. Watson (Ed.), *The professoriate-occupation in crisis* (pp. 35–58). OISE Higher Education Group.