

Honourable R.J. Simpson
Minister of Education, Culture and Employment
PO Box 1320
Yellowknife, NT, X1A 2L9

September 14, 2020

Re: Aurora College & Polytechnic University Governance

Dear Mr. Simpson,

On behalf of the Yellowknife Chamber of Commerce and the 383 Yellowknife businesses we represent, please accept this formal submission in response to the Government of the Northwest Territories' discussion paper *Aurora College and Polytechnic University Governance*ⁱ.

Our primary interest is ensuring the polytechnic institution can operate as an arm's length institution, free from political interference.

On page 7, the discussion paper states, "[t]he government will continue to play a role in determining the polytechnic university's mandate. How that mandate is implemented will be determined by the Board, and the government will, in turn, hold the Board accountable for achieving the desired outcomes." We anticipate that the mechanisms to support Board accountability will be made public in the coming months and encourage the GNWT to ensure they do not impact the Board's ability to act independently.

For example, at the Northern Alberta Institute of Technology (NAIT), the government is responsible for monitoring the institution's operation and performance through the Board's business plan, annual plan and other reports as requested, and for providing support to the Board in meeting their legislated responsibilities, such as creating orientation materials and training supports for new Board membersⁱⁱ.

We do have some concerns with the proposed Board structure, where 8 of the 12 positions (a 2/3 majority) will be appointed by the Minister of Education, Culture and Employment and the only criteria appears to be the competency matrix. Furthermore, it appears that the Minister could appoint additional positions at their discretion ("any additional members with expertise that would contribute to the operation of Aurora College").

We support a competency-based approach but believe further eligibility requirements should be in place to ensure the Board's success and political independence.

We recommend:

- A defined minimum and maximum number of Board positions;
- An updated competency matrix that includes a stronger focus on economics, business, employment and labor market needs;
- That at least two Board positions be reserved for business and industry representatives;
- That individuals employed in the public service be ineligible to participate on the Board; and,
- An open, transparent and merit-based appointment process.

A defined minimum and maximum number of Board positions is an important part of good governance and is common at other polytechnic institutions in Canada. For example, at Saskatchewan Polytechnic the Board is required to consist of between 10 and 20 membersⁱⁱⁱ and at Algonquin College the Board is required to consist of between 17 and 21 members^{iv}.

The 10 competencies identified are a great start in ensuring that the Board has a wide range of relevant experience and expertise, however, knowledge of economics, labor market needs and employment trends, along with business experience are missing.

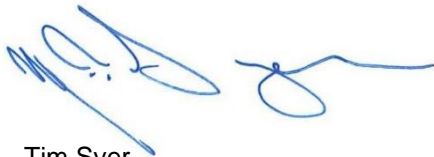
The best way to ensure that the polytechnic university meets local skill development and employment needs while having the flexibility to adapt to market demand is to have business and industry representation on the Board. Eligibility for these positions can be similar to the eligibility requirements outlined in the *Northwest Territories Business Development and Investment Corporation Act*, section 5(1.1)^v where the person is eligible for appointment if they've owned or managed a business in the NWT or have meaningful business expertise relevant to the economy of the NWT.

We also recommend that individuals employed in the public service be ineligible to participate on the Board. This is important to ensure the institute remains arm's length and free from political interference, especially because the Minister will be appointing 2/3 of the representatives. This restriction exists in other legislation for arm's length institutions in the NWT (for example, NWT BDIC) and similar restrictions are found in the bylaws of other polytechnic institutions, including Algonquin College, where employees of the College are ineligible to participate on the Board (section 4.4).

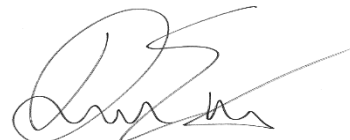
We believe that the most effective way to ensure the success of the Board is having an open, transparent, merit-based selection process for all appointments. This should include a public call for qualified applications, and online access to all governance related documents.

The establishment of a polytechnic institution is an important issue for the Yellowknife business community, and we look forward to ongoing discussions with you and your team throughout this process.

Sincerely,



Tim Syer
President
Yellowknife Chamber of Commerce



Deneen Everett
Executive Director
Yellowknife Chamber of Commerce

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ⁱ GNWT. (2020). *Aurora College and Polytechnic University Governance Discussion Paper*. Retrieved from: <https://www.ece.gov.nt.ca/en/aurora-college-and-polytechnic-university-governance>

ⁱⁱ Northern Alberta Institute Of Technology. (2014). *Mandate and Roles Document*. Retrieved from: <https://www.nait.ca/nait/about/corporate-structure/board-of-governors>

ⁱⁱⁱ Saskatchewan Polytechnic. (2014). *The Saskatchewan Polytechnic Act*. Retrieved from: <https://saskpolytech.ca/about/about-us/documents/Saskatchewan-Polytechnic-Act.pdf>

^{iv} Algonquin College. (2019). *Bylaw 1: The Board of Governors of the Algonquin College of Applied Arts and Technology*. Retrieved from: <https://www.algonquincollege.com/bog/files/2019/12/ByLaw-1-APPROVED-2019-Dec-16-v2.pdf>

^v GNWT. (2018). *Northwest Territories Business Development and Investment Corporation Act*. Retrieved from: <https://www.canlii.org/en/nt/laws/stat/snwt-2005-c-3/latest/snwt-2005-c-3.html>