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**NIAGARA COLLEGE OF APPLIED ARTS AND
TECHNOLOGY BOARD OF GOVERNORS:
ORDER-IN-COUNCIL APPOINTMENT OF
JANET L. ALLAN ***

Prepared for:

Standing Committee on
Government Agencies

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INTRODUCTION

This paper has been prepared for Members participating in the Committee's review of the Order-in-Council appointment of Janet L. Allan as a part-time member of the Niagara College of Applied Arts and Technology Board of Governors. It describes the operations of the board, presents information about the appointee, and identifies possible lines of questioning.

NIAGARA COLLEGE BOARD OF GOVERNORS

Enabling Statute and Regulation	Responsible Ministry	
Ontario Colleges of Applied Arts and Technology Act, S.O. 2002, c. 8, ss. 2(1.1); and O. Reg. 34/03, ss. 2(1)	Colleges and Universities	
Agency type	Most Recent Annual Report	
N/A	2019-2020	
Activities		
The Board of Governors is authorized to govern the college and is responsible for ensuring that it is effectively and appropriately managed to achieve the mandate of the college. The Board is responsible for defining the role and mission of the college and, thereby, setting the strategic directions for the college to achieve. The Board of Governors has responsibility for fiduciary oversight and institutional performance.		
Board Membership		
Statutory Number of Members: 17	Position	Remuneration
Number Appointed by Cabinet: 4	Members (part-time):	Nil
Term of Office: Not to exceed 3 years and an individual shall not serve for more than 6 years consecutively. ¹		
Position Requirements		
No member who is appointed externally shall be a student or an employee of a college of applied arts and technology. ²		

¹ After an absence of two years and not to exceed six years in total, an individual becomes eligible for reappointment.

² Niagara College of Applied Arts and Technology, [By law No. 1.](#)

CURRENT OPERATIONS

Role of the Board of Governors

The Board of Governors' mandate is to govern Niagara College by: establishing appropriate governance structures, including setting the vision, strategic directions, and overall goals and outcomes; hiring and evaluating the CEO; approving the annual business plan, budget and annual report; and assessing attainment of corporate goals and outcomes and effectiveness of board governance.³

Board membership

As stated above, the board of governors is composed of seventeen members: four members appointed by Cabinet; the president of the college; one elected student; one elected academic staff member; one elected administrative staff member; one elected support staff member; and eight members appointed by the members of the board holding office at the time of the appointment. The board meets bi-monthly (except the months of July and August).

Overview of the College

Founded in 1967 and among the first community colleges in Ontario, Niagara College has experience for over 50 years in applied education and 20 years in applied research.⁴ The college currently operates from two campuses in the Niagara Region, the Welland campus and the Niagara-on-the-Lake campus. The latter was renamed in 2019 to honour the college's retiring president, Daniel J. Patterson. Niagara College also has operations in Saudi Arabia where it offers post-secondary and other specialized programs through its [partnership](#) with the Kingdom of Saudi Arabia (KSA).

The college has three innovation centres that undertake large projects usually co-funded with government or fully funded by industry. These are the [Agriculture and Environmental Technologies Innovation Centre](#) (AETIC), the [Walker Advanced Manufacturing Innovation Centre](#) (WAMIC), and the [Canadian Food & Wine Institute Innovation Centre](#) (CFWI IC).⁵

In the 2019-2020 academic year, Niagara College had a total of 24,339 full-time enrolments, of which 42% represented international students. In the current academic year, due to the COVID-19 pandemic, the college expects an 11.2% decrease in full-time enrolments. More specifically, it anticipates an 8.8% decrease in international and a 13% decrease in domestic enrolments.⁶

³ Niagara College, [Board of Governors](#).

⁴ Niagara College, [2019-2020 Annual Report](#), p. 14.

⁵ Niagara College, [2020-2021 Business Plan](#), p. 10.

⁶ Ibid, p. 8.

For the 2020-2021 academic year, the college is offering 111 full-time programs, with 5 programs suspended for intake due to pandemic-related delivery challenges.⁷

Financial Information

In the 2019-2020 fiscal year, the total revenue and expenditures of the college were \$208 million and \$190 million, respectively. Figure 1 illustrates the main categories of revenue and expenses for the 2019-2020 fiscal year.

Figure 1. Total Revenue and Expenditures

Year ended March 31, 2020 (in thousands '000)

Revenue	
Grants and reimbursements	\$ 54,816
Student tuition and fees	110,427
Ancillary operations	12,578
Other	21,315
Earnings from Niagara College KSA	2,838
Amortization of deferred contributions	6,380
Total Revenue	\$ 208,353
Expenses	
Salaries and benefits	\$ 116,273
Non-salary expenditures	57,403
Flow through funds to third parties	6,195
Amortization of capital assets	10,700
Total Expenses	\$ 190,571
Excess of revenues over expenditures	\$ 17,782

Source: 2019-2020 [Annual Report](#), p. 25.

According to the 2020-2021 proposed budget, the total revenue and expenditures of the college will plummet from the previous year by 11% and 1%, respectively. The sharp decline in revenue reflects the impact of the COVID-19 pandemic on the postsecondary education system such as reduced student enrolment, suspension of ancillary fees due to remote learning, and other market conditions caused by the pandemic.⁸

RECENT DEVELOPMENTS

In September 2018, Niagara College launched its one-of-a-kind [Commercial Cannabis Production](#) program at its Niagara-on-the-Lake campus. The program is Canada's first postsecondary credential in the production of cannabis and provides training in the biological and cultural practices of cannabis

⁷ Niagara College, [2020-2021 Business Plan](#), p. 8.

⁸ Ibid, pp. 12, 16-17.

production including plant nutrition, environment, lighting, climate control, and pest control. In January 2019, the students of the program harvested their first crop of cannabis plants that were used for education and research purposes only.⁹

In June 2019, Niagara College's [Teaching Winery](#) was the recipient of the Lieutenant Governor's Awards for Excellence in Ontario Wines with its 2017 Gastronomy Chardonnay.¹⁰

In 2019, Niagara College president Dr. Dan Patterson retired after a tenure of 23 years. Sean Kennedy was appointed as the sixth president of Niagara College in early 2020 and formally installed via a virtual event on October 28, 2020.¹¹

In February 2020, the Ontario Superior Court of Justice approved a settlement between Niagara College and its international graduates following a class action lawsuit against the college.

The students had alleged that the college misled them to believe that by completing the mostly online general arts and science diploma transfer program, they would qualify for a three-year work permit in Canada. However, the students later learned that the program did not meet Immigration Canada's work permit requirements because the program was considered distance learning. Without a permit, students had to leave the country after graduation.

According to the settlement terms, the college has offered to compensate each student between \$7,500 and \$20,000, depending on their circumstances. At least 100 former international graduates have been identified as part of the lawsuit, but the number of members is expected to be as many as 500. The Ontario Superior Court of Justice also approved total fees of approximately \$950,750 to the students' lawyers from the compensation settlement, in addition to \$250,000 in legal fees, disbursements and applicable taxes from Niagara College. The college did not publicly comment on the court settlement.¹²

On March 13, 2020, Niagara College [suspended](#) all on-campus classes due to the pandemic. At the start of the fall academic year, about half of the 9,000 students are reported as completely remote, with the remaining studying with a hybrid delivery.¹³ According to the college's president, 80% of courses are delivered online.¹⁴

⁹ Beth Audet, "[Niagara College harvests 1st crop of cannabis](#)," *Niagara-on-the-Lake Advance*, January 14, 2019.

¹⁰ Satbir Singh, "[Niagara College wine wins major award](#)," *Niagara-on-the-Lake Advance*, July 2, 2019.

¹¹ Niagara College, "[Sean Kennedy formally installed as Niagara College's sixth president](#)," *Media Release*, October 28, 2020.

¹² Nicholas Keung, "[Student behind class-action lawsuit against Niagara College says settlement empowers international students](#)," *Toronto Star*, February 6, 2020.

¹³ Mike Zettel, "[Different approaches to school COVID-19 case communication in Niagara](#)," *Niagara This Week*, September 18, 2020.

¹⁴ Sean Vanderklis, "[It will be an online world for Niagara's post-secondary students](#)," *Niagara Falls Review*, September 2, 2020.

Niagara College recently completed the [Campus Redevelopment Initiative](#) that had spanned over five years and cost \$67 million dollars. The initiative expanded and renewed physical spaces in order to enhance program delivery and improve student life and engagement.¹⁵

THE WITNESS

The witness, Janet L. Allan, is seeking appointment as a part-time member.

According to the Office of the Premier, the witness, of St. Catharines, is a Practice Inspector for Chartered Professional Accountants of Ontario, and a former Partner for KPMG LLP. Her community involvement includes serving as Treasurer for Gillian's Place (a Women's shelter in St. Catharine's).

POSSIBLE QUESTIONS

- 1. What has motivated the witness to seek this appointment?*
- 2. What particular contribution does the witness hope to make to the Board?*
- 3. The COVID-19 pandemic has had a tremendous impact on the way postsecondary education is delivered in Ontario and globally. What does the witness see as the role of the Board in how this challenge is overcome at Niagara College?*
- 4. What does the witness see as a possible recovery strategy for declining college revenues due to the pandemic?*

¹⁵ Niagara College, [2020-2021 Business Plan](#), p. 11.