

**UNOFFICIAL TRANSLATION OF
THE AFFIDAVIT OF PIERRE RIOPEL
SWORN ON MARCH 31, 2021**

COURT FILE NO.: CV-21-656040-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, c C-36

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

**AFFIDAVIT OF PIERRE RIOPEL
(March 31, 2021)**

I the undersigned, PIERRE RIOPEL, of the municipality of Rivière-des-Français in the province of Ontario AFFIRM that:

1. I have been the Chair of the Board of Regents of the University of Sudbury since 2017. I have personal knowledge of the facts set out in this affidavit, except where they are otherwise stated to be based on information or belief.
2. Established in 1914, the “Sacred Heart College of Sudbury” was re-named the “University of Sudbury” in 1957. Attached as **Exhibit PR-1** are true copies of its Act of Incorporation and the amendments thereto (jointly).
3. On March 11, 2021, I chaired a meeting of the Board of Regents of the University of Sudbury to discuss and re-evaluate its position in light of the restructuring of Laurentian University (“LU”) under the *Companies' Creditors Arrangement Act* (“CCAA”). The Board of Regents unanimously passed the following resolution:

WHEREAS Laurentian University is insolvent and has applied for protection under the *Companies' Creditors Arrangement Act*, LRC 1985, C-36, and, given the likely consequences of this application on the future of the University of Sudbury;

IT IS RESOLVED THAT:

1. The Board of Regents mandates the President of the University of Sudbury to undertake all necessary steps to ensure that the University of Sudbury becomes, as soon as possible, a university administered and governed by and for the Ontario Francophone community:

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- a) whose programming and services are offered in French;
 - b) whose working language is French;
 - c) who assumes all the responsibilities arising from the partial designation of the University of Sudbury under the *French Services Act* and who will seek full designation under the said Act;
 - d) ensures one of its objectives is the training of professionals required to implement section 23 of the *Canadian Charter of Rights and Freedoms* in Ontario;
 - e) to explore whether it is desirable to develop partnerships with other post-secondary institutions.
2. The Board of Regents mandates the President of the University of Sudbury to take all necessary steps to create a new university administered and governed by and for the Indigenous communities of Northern Ontario within the meaning of section 35 of the *Constitution Act, 1982*.
4. The day after this resolution was passed, on Friday, March 12, 2021, I participated in a joint press conference with the AFO to publicly announce the University of Sudbury's decision to become a university "by" and "for" Francophones and the AFO's support for that decision on behalf of the Franco-Ontarian community. True copies of articles dated March 12, 2021 reporting on this are attached to this affidavit as:
- Exhibit PR-2**, accessible at the following link: <https://ici.radio-canada.ca/nouvelle/1776881/afo-universite-sudbury-francophone-laurentienne> ; et **Exhibit PR-3**, accessible at the following link: <https://onfr.tfo.org/luniversite-de-sudbury-veut-devenir-une-universite-a-100-fracophone/>.
5. I listened to an interview conducted on March 15, 2021 with the Minister of Francophone Affairs, Caroline Mulroney, who described the University of Sudbury's decision as "very interesting." She also stated that "We [the government] are ready to work with institutions and stakeholders in the sector to chart a possible new course." She then described the situation at LU as "very concerning" and creating "problems for post-secondary programming in the North." Attached as **Exhibit PR-4** is a true copy of a Radio-Canada article dated March 15, 2021 reporting the Minister's remarks, accessible at the following link: <https://ici.radio-canada.ca/premiere/emissions/jonction-11-17/segments/entrevue/347347/caroline-mulroney-universite-laurentienne-sudbury-uof>.
6. I listened to an interview conducted on March 17, 2021 with the Minister of Economic Development and Official Languages, Mélanie Joly. The Minister stated

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that “an academic institution in Sudbury for Francophones and by Francophones is an idea [she] likes very much and one that will appeal to the government.” She said that the establishment of a French-language university is always good news, and whenever it happens, she would be there to act as an ally. The interview of March 17, 2021 is summarized in a Radio-Canada article, a copy of which is attached to this affidavit as **Exhibit PR-5** and is accessible at the following link:

<https://ici.radio-canada.ca/premiere/emissions/le-matin-du-nord/segments/entrevue/347613/universite-sudbury-francophone-melanie-joly-reaction?fbclid=IwAR3pAqiIg8ND5MGR7fx8x95AboBINyy48HFdXBv2vdV6wyvd14HB4JUMuU>.

7. In my capacity as Regent since 2012, I have found that despite the “bilingual” and “tri-cultural” nature of LU, the reality is that English predominates – both in terms of governance and in terms of the provision of courses and services.
8. Professors have told me that for several decades, Franco-Ontarian organizations such as the Assemblée de la francophonie d’Ontario, the Association canadienne-française de l’Ontario du grand Sudbury and the Regroupement étudiant franco-Ontarien have been questioning LU’s commitment to the French fact. These same people have told me that questions have been raised as to whether all the funding received by LU for French is actually used for French. The University of Sudbury has decided to address the Francophone community’s concerns and provide it with an alternative that meets its needs.
9. The University of Sudbury’s decision to become a homogeneous Francophone university was motivated in part by the lack of commitment to French on the part of LU, which has lost the confidence of the Franco-Ontarian community. As it makes its transition, the University of Sudbury will listen to and actively work with the community.
10. As a homogeneous Francophone university, the University of Sudbury will provide what the Franco-Ontarian community has been demanding for decades: for governance to be in the hands of Francophones, for French programming to be expanded and better adapted to the needs of the community, and for government funding for French to be actually used for French.
11. The CCAA proceeding was initiated by a university that receives public funds, including funds to support French-language education, and that is accountable to the Franco-Ontarian community. As an essential part of the future of French-language post-secondary programming in northern Ontario, the Franco-Ontarian community has an interest in being involved in these proceedings. The voice of the Franco-Ontarian community is not currently represented by LU.

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12. The decision of the University of Sudbury to become a university “by” and “for” Francophones and to offer programs only in French appears to me to be financially viable.

Sworn remotely by Pierre Riopel in the municipality of Rivière-des-Français in the province of Ontario, before me in the city of Ottawa in the province of Ontario, on March 31, 2021, in accordance with O. Reg. 431/20 *Administering Oath or Declaration Remotely*.

PIERRE RIOPEL