

**UNOFFICIAL TRANSLATION OF
THE AFFIDAVIT OF THIERRY BISSONNETTE
SWORN ON MARCH 29, 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 THIERRY BISSONNETTE
(March 29, 2021)**

I the undersigned, Thierry Bissonnette, of the city of Sudbury in the province of Ontario
AFFIRM that:

1. I have been a professor of literature at Laurentian University ("UL") since 2007 and full professor since 2019. I am a spokesperson for the Regroupement des professeurs et des professeurs francophones at LU (the "RPF") and a member of its coordinating committee. Since September 2020, I have been serving on the Joint Committee on Bilingualism (a committee of the Senate and Board of Governors) at LU. Since the fall of 2019, I have also been participating in a working group set up by LU on the development of the Francophone sphere (*l'épanouissement de l'espace francophone*).
2. 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.
3. The RPF is an organization that has represented Francophone professors at LU for more than thirty years, addressing issues relating to courses, programs and research in French. The RPF is dedicated to supporting, developing and promoting social and cultural life in French through the organization of activities.

The particular concerns of Francophone professors relating to the status and use of French at LU are not being communicated or taken into consideration in the proceedings commenced by LU under the Companies' Creditors Arrangement Act (the "CCAA")

4. The professors who belong to the RPF are also members of a union, the Laurentian University Faculty Association ("LUFA").

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5. LUFA is a party to the mediation relating to the restructuring of Laurentian University under the CCAA. The scope of LUFA's activities is limited to collective agreements and labour relations for the benefit of all its members.
6. On February 8, 2021, I contacted the Chief Steward of LUFA, Linda St. Pierre, on behalf of the RPF to ask if LUFA would address the specific concerns of LU's Francophone faculty in the CCAA proceedings.
7. On February 10, 2021, Ms. St. Pierre informed me and I believe that LUFA's lawyers would not raise the particular concerns of Francophone faculty relating to the status and use of French at LU.
8. On February 10, 2021, Ms. St. Pierre informed me and I believe that because RPF members are also members of LUFA, they are not permitted to be represented by counsel independently of LUFA.
9. On February 10, 2021, Ms. St. Pierre informed me and I believe that LUFA is pleased that some external Francophone organizations are seeking to be involved in the CCAA proceedings.
10. On February 11, 2021, the RPF met with AFO Executive director Peter Hominuk and shared with him the particular concerns of Francophone faculty regarding the status and use of French at LU. The RPF encouraged the AFO to participate in the proceedings commenced by LU under the CCAA.

Faculty, students, and the Franco-Ontarian community are concerned about the status and use of French at LU

11. In my 13 years as a professor, I have found that English predominates over French at LU.
12. On February 9, 2021, I was involved in developing a questionnaire for RPF members that included the following question: "Are you satisfied with the state of bilingualism at Laurentian?" I helped distribute the questionnaire and tally the responses of the 63 respondents. Not a single respondent answered "Yes, very" and only 17.5% answered "Overall, yes." More than 82.5% of members said they were dissatisfied ("Overall, no" (50.8%) or "No, not at all" (31.7 %)).
13. In September 2019, I co-authored a brief that was submitted by the RPF to the President and Vice-Chancellor, Dr. Robert Haché (hereinafter "**President Haché**"), raising concerns about the status and use of the French language at LU (**Exhibit TB-1**).
14. One of the items raised in the 2019 brief that I co-authored on behalf of the RPF concerns the Board of Governors and Senate **Joint Committee on Bilingualism**. I

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denounced its lack of commitment, openness and sensitivity toward Francophone faculty and French-language programs, courses and services (at pp. 3-4 of Exhibit TB-1). Since I became a member of this committee in March 2020, its members have not had a single meeting, despite the fact that the 2020-2021 Senate bylaws (c. XI, art. 1.(2)(f)) stipulate that the committee *must* meet at least twice a year. Attached to this affidavit as **Exhibit TB-2** is a true copy of the 2020-2021 LU Senate bylaws, accessible at the following link: <https://drive.google.com/file/d/1PR7qXNSMjVIA0C6UnBna1RoRpeuGSZWd/view?usp=sharing>. The Associate Vice President, Academic and Francophone Affairs (the “AVPAFA”) is a non-voting member of this committee. Attached as **Exhibit TB-3** is a true copy of the terms of reference of the Joint Committee on Bilingualism, accessible at the following link: https://laurentienne.ca/assets/files/JOINT-CTTEE-ON-BILINGUALISM-Terms-of-Ref-Sept-27_16-EN.pdf.

15. The brief also raises the issue of the decline in enrolment in French-language programs. LU has been in no hurry to address this problem. As a follow-up to its 2018-2023 strategic plan, in 2019, LU mandated the AVPAFA to establish a **working group on the vitality of the Francophone sphere**, of which I have been a member since the fall of 2019. The working group includes faculty, managers and other employees, and was established to make recommendations on issues relating to the Francophone community at LU. In February 2020, the working group stopped meeting just as it was about to embark on a wide-ranging review of recruitment for and the creation of French-language programs. In the fall of 2020, the AVPAFA (Yves Pelletier) told me and I believe that he was writing a report on the evolution of the offering of French-language programs. However, the AVPAFA left his position on March 1, 2021. Before he did so, the AVPAFA (Yves Pelletier) told me in the winter of 2021 and I believe that he had completed his report. I have never seen the report and to the best of my knowledge it has not been made public.
16. LU has also established a committee to evaluate the offering of French-language programs at LU, but that committee has not publicly announced any findings or recommendations.
17. Between March 1 and March 15, the position of AVPAFA was vacant. On March 16, 2021, at a meeting of the Senate, President Haché announced the appointment of Provost and Vice-President, Academic, Marie-Josée Berger (hereinafter “Vice-President Berger”), to the position of AVPAFA as of the previous day, March 15, 2021. I do not know if this appointment is permanent or interim. Vice-President Berger chairs the planning committee responsible for restructuring and deciding which academic programs will be eliminated as part of LU’s CCAA proceedings.
18. As French is not a priority for LU under normal circumstances, I am very concerned, as are other RPF members, that the CCAA proceedings will have an adverse effect on

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the status and use of French at LU and jeopardize some of the French-language programs, courses and services offered at LU.

19. This concern stems in part from LU's decision in the summer of 2020 to suspend admission to 17 programs, ten of which were offered in French, which has had a disproportionately adverse effect on the offering of French-language programs.
20. I have noted that students have also expressed their concerns about the future of French at LU. Attached to this affidavit as **Exhibit TB-4** is a true copy of an open letter published in *La voix du Nord* on February 25, 2021, signed by a history student at LU, reacting to the proceedings commenced by LU and expressing concern about the status and use of French at LU, accessible at the following link:
<https://www.lavoixdunord.ca/opinions/reponse-au-recteur-de-luniversite-laurentienne-robert-hache-9e529fc8eb14f9281a32e999f5884148?sourceOrganizationKey=le-voyageur>.
Another open letter published in *La voix du Nord* on March 17, 2021 expressing the anxiety and confusion felt by students and the Franco-Ontarian community as a result of the uncertainties created by the restructuring and its lack of transparency is attached herewith as **Exhibit TB-5**, accessible at the following link:
<https://www.lavoixdunord.ca/opinions/lul-doit-arreter-de-mettre-la-tete-de-ses-etudiants-dans-le-sable-7b14b17b9e048d0c1d0e5c8505ab7d10?sourceOrganizationKey=le-voyageur>.
21. President Haché issued an open letter on March 8, 2021, a copy of which is attached to this affidavit as **Exhibit TB-6**, accessible at the following link:
<https://www.lavoixdunord.ca/opinions/la-communaute-de-la-laurentienne-definit-la-voie-a-suivre-f08111760d2ea33d7fbb0d294b201bf1>. I am not at all reassured by President Haché's letter.
22. On March 12, 2021, the University of Sudbury announced that it was becoming a university "by" and "for" Francophones. This announcement was met with great enthusiasm on the part of RPF members, including myself.
23. On March 13, 2021, RPF member and co-author of the 2019 brief I wrote on behalf of the RPF, Joel Belliveau, made the following statement during an interview on behalf of the RPF:

For us, what matters is *the survival and development of French-language programs and governance of those programs by and for Francophones*. For now, we take no position as to where this should take place: in the University of Sudbury, in Laurentian University, or in both. [...] We are prepared to work with anyone who is *willing to advance these goals*. [emphasis added]

Professor Belliveau's remarks accurately represent the position of the RPF. Attached to this affidavit as **Exhibit TB-7** is a true copy of the article reporting this interview,

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accessible at the following link: <https://ici.radio-canada.ca/nouvelle/1777140/universite-sudbury-francophone-questions-professeurs-etudiants-reponses>.

24. On March 16, 2021, two professors who are experts on Francophone issues in Ontario expressed their support for the University of Sudbury's decision to renew itself as a university "by" and "for" Francophones. Attached to this affidavit as **Exhibit TB-8** is a true copy of an open letter published in *La voix du Nord* in which this support is expressed, accessible at the following link: <https://www.lavoixdunord.ca/courrier-des-lecteurs/universite-de-sudbury--la-gouvernance-par-et-pour-la-minorite-concept-valide-par-les-tribunaux-et-lexperience-c2c4d91aa3d87c13b7af3880a86057ec>.
25. On March 16, 2021, following the University of Sudbury's decision to become a university "by" and "for" Francophones, President Haché responded: "To be clear, the commitment to Ontario's Francophone community is a primary goal of Laurentian University." I received this message by e-mail and it has been published on LU's website. Attached to this affidavit as **Exhibit TB-9** is a true copy, accessible at the following link: <https://www.laurentianu.info/a-beacon-of-ontarios-francophonie/>. I do not believe President Haché is sincere when he states that French-language programming and instruction will be "valued" by LU and that "this objective will continue throughout [the] restructuring" under the CCAA. The President remains vague and does not commit to anything concrete.
26. On March 16, 2021, I gave an interview in which I expressed my skepticism and that of RPF members regarding President Haché's promises:

It's an empty shell. He merely repeats the idea that bilingualism and French are important, but no actions have been taken since 2019. [...] It raises hope, but without any guarantees. Is it intended to smooth things over? But we're being asked to hand over a blank cheque, and it doesn't inspire much confidence [...] We've been told we're important 50,000 times over, and we've been asking for concrete change for three years.

Attached to this affidavit as **Exhibit TB-10** is a true copy of the article published the same day quoting my remarks, accessible at the following link: <https://onfr.tfo.org/la-laurentienne-la-programmation-en-francais-nira-pas-a-luniversite-de-sudbury-dit-le-recteur/>.

27. On March 17, 2021, 41 faculty members, including myself, responded to President Haché's statements. Attached to this affidavit as **Exhibit TB-11** is a true copy of that letter, accessible at the following link: <https://www.lavoixdunord.ca/courrier-des-lecteurs/le-regroupement-des-professeures-francophones-demande-des-reponses-0fc1363c8e8e654121a12626ca1e9851?sourceOrganizationKey=le-voyageur>.

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28. On its website, responding to questions about the restructuring, LU states:

[A]s part of the CCAA proceedings, Laurentian will be reviewing its program offerings to ensure that all classes and programs have sufficient student interest to justify their continued offering. Classes and programs with chronic low enrolment may be restructured to help facilitate Laurentian's financial sustainability.

[...]

Laurentian will be reviewing its program offerings to ensure that all classes and programs have sufficient student interest to justify their continued offering. Classes and programs with chronic low enrolment may be restructured to help facilitate Laurentian's financial sustainability.

Attached to this affidavit as **Exhibit TB-12** is a true copy of these excerpts from the website (updated on March 22, 2021), accessible at the following link:

<https://www.laurentianu.info/faq/>.

29. I agree with the following excerpt from the open letter published in *La voix du Nord* on March 17, 2021:

[LU] has demonstrated in the past that it has little regard for its Laurentian Federation partners. The prime example is the unilateral change in revenue sharing with its federated partners in 2019. Laurentian often acts like a jealous big brother who wants to keep all the toys for himself but doesn't touch them once he has them. And the letter sent by the President to the university community proves that the institution has no intention of letting anyone else have its French-language programs. So we run the risk of being stuck with an institution that wants to keep everything for itself despite the harm that does to minorities.

A copy of this open letter of March 17, 2021 is attached to this affidavit as Exhibit TB-5.

30. Also on March 17, 2021, President Haché issued a message stating, among other things, that LU's restructuring plan will propose a "new Laurentian that celebrates and preserves much of the culture that has defined us: [...] where Francophone programming is valued and where our bilingual character is celebrated." Even if LU were to make such a proposal, I do not believe that LU will be able to achieve this modest goal regarding the status of French. Attached to this affidavit as **Exhibit TB-13** is a true copy of this message, accessible at the following link:

<https://www.laurentianu.info/message-from-president/>.

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31. On March 19, 2021, I voted in favour of a resolution passed unanimously by 60 RPF members, asking LU to “commit to provide institutional autonomy for Francophone programs as a whole (governance, curriculum, funding).” The resolution states:

WHEREAS students in the Mid-North are taking the equivalent of more than 1,300 full-time university course loads in French;

WHEREAS young Franco-Ontarians, immersion students and newcomers deserve a full range of university programs in French in the Mid-North;

WHEREAS French-language university programs in this region have been a driving force – and a most important one – behind the economic, social and cultural development of the Francophone community of Northeastern Ontario for more than a century and will continue to be essential, particularly for economic development and integration;

WHEREAS there is an urgent need for transparency in the management of public funds for French-language university education in the Mid-North;

WHEREAS management “by and for” the community is recognized as the cornerstone of social, economic, cultural and educational development in Canada’s official language minority communities;

WHEREAS a board of governors drawn from the French-speaking community would be in a better position to know the community’s needs with regard to French-language academic programming;

WHEREAS the current model of full bilingualism at Laurentian University disperses Francophone faculty members and leaves them unable to implement programming designed for and with Francophones;

WHEREAS the Associate Vice-Presidency, Francophone Affairs, by its very nature, is nothing more than an appendage to the actual senior administration and does not have the capacity to direct French-language academic programming;

WHEREAS in its current structure, Laurentian University has long neglected certain tasks that are essential to the success of its French-language programs (lack of new programs, international recruitment and differentiated marketing campaigns);

BE IT RESOLVED that the Regroupement des professeurs francophones demand that the governance of French-language university programs in the Mid-North, along with related services and funding, be entrusted to a board of governors drawn from the French-speaking community of New Ontario

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according to the “by and for” principle, as the community has been demanding for decades.

Attached to this affidavit as **Exhibit TB-14** is a true copy of the letter and the resolution I sent.

33. On March 26, 2021, President Haché issued the following message, which may resonate with my Anglophone colleagues at LU, but flies in the face of the RPF’s resolution of March 19, 2021 (Exhibit TB-15):

There is no ‘single story’ of the Laurentian University student. In pursuit of self-discovery, our students have vibrantly diverse and sometimes opposing views. Yet they are also part of a community, one in part driven by shared outlooks on the world.

In the past sixty years, we have provided an education to 66,000+ thought leaders committed to the idea of building, nurturing, and contributing to the prosperity of their communities here in the North, across Ontario, and beyond.

Laurentian students *are multicultural and richly diverse*. They are driven by curiosity in their learning, teaching, and research. They prioritize their relationships with each other and with the community. They are breaking trails within their families and on behalf of communities around the globe.

Above all, they honour our *tricultural roots*, celebrating Indigenous and Francophone cultures here on Turtle Island, in Ontario, and around the globe.

Laurentian is *Canada’s only university with a tricultural mandate, offering a post-secondary experience in English and French* with a comprehensive approach to Indigenous education. These principles are a point of pride, they are part of our story, and of what we aspire to be as a community.

Much ink has flowed over the future of Laurentian’s tricultural mandate, calling into question whether or not the sacred character of our cultural identity will be preserved as we navigate a restructuring under the Companies’ Creditors Arrangement Act (CCAA).

Yet as I recently wrote in an open letter to the community, a new Laurentian is one that emphasizes and values Indigenous and Francophone programming, learning, and teaching, principles that are very much a part of the fabric of who we are as an academic community.

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A new Laurentian will provide our community with the opportunity to reinvent itself and deepen its commitment to Indigenous and French-language education. To be a university where our students are culturally diverse and culturally aware. Immersed in more than one language. And proud of it.

A new Laurentian offers us the possibility to live up to *the promise of our tricultural mandate* by further immersing ourselves in our *budding trilingualism*, bringing our respect, pride, and enthusiasm for the Anishinaabemowin language to bear on our *community's tricultural identity*.

We will earnestly uphold the Truth and Reconciliation Commission Calls to Action and work to heal our relationship with First Nations, Métis, and Inuit peoples, honouring our connection to the land and the history of the traditional territory of the Atikameksheng Anishnawbek on which Laurentian is situated.

We will celebrate the grit and determination of Indigenous communities across Turtle Island, further honouring the advocacy of many in the Laurentian community who have led the way for the inclusion and vitality of the Anishinaabemowin language on our campus.

Together, we will continue to write the Laurentian story: one where we rise to the challenge of who we aspire to be as a community of learners determined to realize our full potential, changemakers who will shape the future of our communities here on Turtle Island, in the North, and across Ontario, and beyond. [emphasis added]

Attached to this affidavit as **Exhibit TB-15** is a true copy of President Haché's message dated March 26, 2021 published on the LU's website, accessible at the following link: <https://www.laurentianu.info/committed-to-a-tricultural-laurentian/>.

34. In his message dated March 26, 2021 (Exhibit TB-15), the President states in the ninth paragraph that “[a] new Laurentian offers us the possibility to live up to the promise of our tricultural mandate by further immersing ourselves in our [budding trilingualism](#), bringing our respect, pride, and enthusiasm for the Anishinaabemowin language to bear on our community's tricultural identity.” When reading the message of March 26, 2021 on the LU's website, I clicked on the words “budding trilingualism” and was taken to an article in the *Maclean's* issue of November 1, 2019, entitled “Laurentian University's path to reconciliation is trilingual,” a copy of which is attached herewith as **Exhibit TB-16**, accessible at the following link: <https://www.macleans.ca/education/laurentian-universitys-path-to-reconciliation-is-trilingual/>. In the body of this article, the *only* mention of French is about the possibility of learning Anishinaabemowin and offering courses in that

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language *at the expense of* (rather than in addition to) *offering* French language courses and courses in French: “Maybe we increase the availability of classes to learn the language or provide opportunities for staff and faculty to take classes [in Anishinaabemowin] rather than French.”

Sworn remotely by Thierry Bissonnette in the city of Sudbury in the province of Ontario, before me in the city of Vancouver in the province of British Columbia, on March 29, 2021, in accordance with O. Reg. 431/20 *Administering Oath or Declaration Remotely*.

THIERRY BISSONNETTE