

**UNOFFICIAL COURTESY TRANSLATION OF
THE AFFIDAVIT OF SERGE DUPUIS
SWORN ON MARCH 3, 2021**

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

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C.
1985, c. C-36, AS AMENDED

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

AFFIDAVIT OF SERGE DUPUIS
(March 3, 2021)

**(EXPERT REPORT CONCERNING
THE HISTORY OF LAURENTIAN UNIVERSITY
AND ITS RELATIONSHIP WITH FRANCO-ONTARIANS)**

I, SERGE DUPUIS, of Quebec City in the province of Quebec, AFFIRM:

1. I was born in Sudbury and I work as a historian specializing in Ontario's Francophonie.
2. I hold a PhD in history from the University of Waterloo (2013) and a MA in history from the University of Ottawa (2009). In 2016, I completed a postdoctoral fellowship at Université Laval in history and I am currently an associate member of the *Chaire pour le développement de la culture d'expression française en Amérique du Nord* (CEFAN) at this university. My career path and achievements are more fully described in the curriculum vitae attached to this affidavit as **Exhibit SD-1**.
3. In this affidavit, I refer to various historical studies, research reports, and articles, some of which I have written. The contents of this affidavit are also based on the material I consulted in the course of my research and preparation of this affidavit, which I verily believe to be true, and which are detailed in **Exhibit SD-2**.
4. My affidavit presents the overall evolution of Laurentian University as a bilingual institution, highlighting the salient features of its relationship with and towards Franco-Ontarians.
5. On February 27, 2021, I received instructions from Power Law to prepare a historical synthesis of the Laurentian University and its relationship with the Franco-Ontarian community, focusing on the evolution of bilingualism at the institution and the interaction between the representatives of the minority community and the majority community during its history.

6. The history and evolution of Laurentian University reveals a unique relationship between the Franco-Ontarian minority and the linguistic majority through consultation, collaboration, consent, and autonomy.
7. This affidavit demonstrates the variety of practices, customs, claims, tensions, and structures that have allowed for the expression of Francophone decision-making participation in the development of French-language higher education in Sudbury, and in particular, at the University of Sudbury, founded as the first university in Northern Ontario in 1957, and at Laurentian University, founded as a secular bilingual university in 1960.
8. Two clarifications are necessary. First, the separate (Catholic) school boards in Northeastern and Eastern Ontario, where Catholics are predominantly French-speaking, are areas of relative administrative autonomy at the school level. Thus, the University of Sudbury, founded by Francophone Jesuits in 1957, is a place where Catholics, mainly Francophones, express their aspiration for an education that is consistent with the heritage and needs of the population it proposes to serve. Thus, the bilingualism of these institutions is sometimes instrumentalized to legitimize their existence and their service to French Canadians.
9. Next, it is important to understand how the origins and evolution of Laurentian University demonstrate the extent to which this institution is not like other universities, and that its history is unique in that it has, to varying degrees, recognized its responsibility to consult and obtain consent from Francophones, with respect to its decisions and structures, and to allow them spaces for autonomy for teaching, the management of that teaching, but also for cultural expression. The history and culture of Laurentian University is unlike that of other Ontario universities.
10. Although the first signs of French presence in Ontario date back to 1610, most French Canadians settled in Ontario during the 19th century. In 1911, Ontario had 202,000 French Canadians (60% were unilingual Francophones) and had 200 “bilingual” elementary schools, which taught mainly in French, as well as a handful of private Franco-Catholic colleges, according to historians Robert Choquette (1987) and Fernand Ouellet (2005).
11. With the official recognition of French by the province of Quebec and certain federal institutions, French Canadians in Ontario become a “viable” community, according to historian Gaétan Gervais (1993), “endowed with an institutional network” sufficient to endure over time as a national minority, unlike the descendants of immigrants who integrate into English-speaking society and maintain little or no use of their ancestral language.
12. In June 1912, the Conservative provincial government proclaimed Regulation 17, which prohibited French-language education in the province’s schools starting in Grade 3.

13. Hardware store owner Félix Ricard and doctor J.-Raoul Hurtubise joined the separate school board to force it to better divide Francophones and Anglophones in the classroom. André Lalonde (1965) recalled that French-speaking Catholics occupied three out of six seats in 1913 and four out of six seats in 1915. With the help of the Jesuits and the Grey Nuns, the commission “organized from scratch a system of bilingual schools contrary to the letter of the law [Regulation 17], but in accordance with its spirit” according to J.-Raoul Hurtubise (1954).
14. French Canadians used separate schools and separate school boards as a place of power, of decision making, to create distinct spaces that French Canadians could manage, in a setting where they were in the majority, even if they were not alone on the separate school board, and shared authority with the Irish and Italian minority.
15. At the secondary school level, the opening of Sudbury High School (1908), with a mining department that taught chemistry, geology, mineral science, physics, metallurgy, and soil evaluation, helped train skilled workers, according to the *Sudbury Journal* (November 10, 1910). The first cohort of 22 graduates, according to the *Sudbury Journal* (July 4, 1912), included 3 French Canadians.
16. At that time, the Jesuits had just begun work with J.-B. Laberge to build a three-storey Catholic college. According to the *Sudbury Journal* (May 30, 1912), the Jesuits said they wanted to teach “subjects taken up in the High School,” in addition to Greek and Latin. The Jesuits were responding to the desire of the Diocese of Sault Ste. Marie, established in 1904, to have an institution to form an elite Catholic and inspire vocations in Northern Ontario. The first cohort of 94 boys, welcomed in September 1913, included about 20 English-speaking men. However, since the teachers were all French-Canadians, the English-speaking students stopped enrolling. Collège du Sacré-Cœur taught only in French from 1916 and affiliated itself with the University of Ottawa (1914-1926), then with Laval University (1927-1957), to award bachelor's degrees to those who completed the classical eight-year course, as Gaétan Gervais and Robert Toupin pointed out (2014).
17. As Guy Gaudreau's chapter in *Laurentian University: A History* (2010) demonstrated, the origins of Laurentian University can be traced back to Collège du Sacré-Cœur.
18. The prosperity generated by the Second World War enabled the Jesuits to obtain the support of their provincial government in 1941 to establish a university in Sudbury. The Jesuits were able to obtain the support of Sudbury MPP Robert Carlin, elected in 1943, to apply for a charter.
19. Private Bill 15, An Act respecting Sacred Heart College of Sudbury (1945) amended the charter (Chapter 131, Statutes of Ontario, 1914) and changed its name to “University of Sudbury.” The bill is silent on the language or religion of the future institution, but since Collège du Sacré-Cœur is Francophone and Catholic, it is implicit that these characteristics would be at the heart of the new university.

20. The project calls for the formation of a Board of Governors, made up of 10 to 21 "British subjects" and a Board of Directors whose purpose would be "to maintain and operate the University in order to promote the intellectual, moral and physical welfare of its students and teaching staff".
21. The bill passed its second reading (March 20, 1945), but died on the Order Paper when the Assembly was dissolved in April.
22. When the 21-member Royal Commission on Education in Ontario, four of whom were Catholic and one Franco-Ontarian, flourished with the idea of abolishing the separate school system and restricting French-language education at the elementary level, despite strong opposition from Catholic and Francophone commissioners, the *Association canadienne-française d'éducation d'Ontario* (ACFEO) raised its voice against the project. The *Centre de recherche en civilisation canadienne-française* (2004) reminds us that Premier Leslie Frost considers that he is not bound by the report and relegates its main recommendations to oblivion.
23. The Jesuits restarted their efforts to obtain a university in the 1950s, in part because they were, according to Daniel Bouchard (1996), "overwhelmed by debt". Originally from Verner and a former student of the Collège, Rector Alphonse Raymond wanted his university's bachelor's degree to become autonomous and obtain provincial funding. However, Raymond faced two difficulties: the province did not fund French-language education or Catholic education beyond Grade 10. It funded English-language public high schools and English-language secular universities. Other French-language or religious high schools, colleges, and universities cannot receive public funds.
24. The outlines of this first university project remain vague, but Raymond envisioned an association with English-speaking Catholics and Protestants to secure the coveted public funding.
25. According to Pierre Ouellette (1994), MPPs Gerry Monaghan (Sudbury) and Rhéal Bélisle (Nickel Belt), Gaston Vincent (President of the ACFEO), and Father Raymond are developing plans to have the Collège du Sacré-Coeur's charter amended.
26. The Ministry of Education, William Dunlop, accepts the merits of the request, but ruled that the Sudburian charter did not hold full academic authority. He therefore suggests a new vote in the assembly to name the Middle North institution and validate its status as a full-fledged university.
27. On March 30, 1957, the law is passed at third reading.
28. According to Guy Gaudreau (2010), "[t]he vote carried this time because Monaghan and Bélisle promised their support to other MPPs who needed their support with respect to a similar request from Carleton University." It is a bicultural barter to have an English university in Ottawa and a French/bilingual university in Sudbury.

29. At the time, there were a few university projects circulating among religious leaders in North Bay, Timmins, and Sudbury, including that of Reverend Earl Lautenslager of St. Andrew's United Church, who travelled to Toronto to inquire about the possibility of establishing a Protestant university in Sudbury.
30. Raymond and Lautenslager sought to agree on a partnership to obtain provincial funding, but Raymond refused to allow the United Church to co-found the university federation, according to Gaudreau (2010), arguing that the Jesuits in Sudbury had some 40 years of experience in the field and that the University of Sudbury wished to preserve a Catholic, bilingual education.
31. An advisory Council of Regents was set up in May 1958 to bring together senior executives (Ralph Parker of INCO, Horace Fraser of Falconbridge, Ben Avery of the Espanola and Sturgeon Falls paper mills), as well as French-Canadian business people and professionals (Conrad Lavigne, Gaston Vincent, Jean-Noël Desmarais).
32. The University of Sudbury continues to have financial problems, according to André Bertrand (1988), as it does not receive government revenues due to its denominational status.
33. It began to offer courses in English in the fall of 1958, according to Daniel Bouchard (1996), to diminish the authority of Reverend Lautenslager's project.
34. Matt Bray (2010) recalls Lautenslager's determination to obtain a "non-Roman university" in Sudbury. In his letter of invitation to form a Northern Ontario University Association, Lautenslager wrote alarmingly on November 27, 1958: "[i]f we do nothing, the Roman Catholics will close every community to us by occupying it with a proposed college, [...] I anticipate that we will in due time experience a demand that Northern Ontario become a separate and Roman Catholic dominated province."
35. Ralph Parker, Chair of the University of Sudbury's Board of Regents, was taken by Lautenslager's letter. The Northern Ontario University Association was formed in December 1958 with Ralph D. Parker as an honorary member, with about thirty representatives from North Bay to Sault Ste. Marie "[t]o found and support in Northern Ontario an institution of higher learning on the university level, United Church and/or Protestant in foundation and control, or at least a Protestant College in a federated University."
36. The group eventually agreed that Sudbury should be chosen as the location, in part according to Bray (2010), because of the existence of the University of Sudbury and in order to include it in the new federation. The Jesuit provincial replaced Father Raymond at the head of the University of Sudbury in January 1959 with Jesuit Émile Bouvier, a Quebec native and Georgetown University professor of political economy with broader academic experience.
37. Upon his arrival in Sudbury, Bouvier portrayed institutional bilingualism as crucial at the University of Sudbury. In Ottawa's *Le Droit* daily newspaper of February 23, 1959, he

was quoted as saying: “[y]our University of Sudbury is called upon to play a role of a very special character for all of Canada by the coexistence of two cultures without one ever weakening the other... By virtue of its historical background and its strategic location in Northern Ontario, the University of Sudbury, before Canadian public opinion, must meet the requirements of the two cultures, which form the very basis of our 1867 Constitution.”

38. Bouvier felt that Father Raymond was not sufficiently conciliatory in his approach to Protestant leaders and politicians in Toronto.
39. Bouvier still wished to maintain “the integrity of the French university course, from literature to philosophy” and “the integrity of the culture he has chosen.” Coexistence and equity are not unanimous, neither among Jesuits nor among Anglophones, but budgetary reality prevents him from doing otherwise, according to Daniel Bouchard (1996).
40. Negotiations began in March 1959, and led to many compromises, Bray (2010) reminds us. According to rhetoric professor Father André Girouard (1992) in an interview with Bouchard (1996), the federation Bouvier imagined was “based on exactly the same model as the University of Toronto, that is, a non-denominational university college and federated institutions that are denominational.”
41. The Jesuits believed, however, that the University of Sudbury could be the federative entity, to which new English-language religious colleges would be attached, a principle that would ensure the bilingualism of the new secular university. The Jesuits believe that the University of Sudbury would be the umbrella institution and proposed the creation of a Catholic “Lalement College” at the level of the federated Protestant universities.
42. Matt Bray (2010) recalls from the minutes of the exchanges that both parties refused to be “Junior Colleges... dominated by the U. of Sudbury” and forced the University of Sudbury to be on the same level as the proposed universities Huntington (United) and Thornloe (Anglican).
43. This proposal meant that French Canadians and Catholics will be in the minority in the new bilingual, secular institution.
44. According to Ralph Parker (1971, quoted in Bray 2010), Prime Minister Frost would have called him and said: “I’d like you to tell them that the Province can’t subsidize church-related colleges but that if they can get together behind a non-denominational university, they’ll have a deal, especially if there’s a bit of nickel money to sweeten the pot.”
45. In early fall of 1959, the University of the North Association, according to Bray (2010), replaced the idea that the “principle of the duality of culture and language be implemented,” with “be recognized,” which significantly diluted its potential.
46. Writing to Émile Bouvier on September 28, 1959, ACFEO President Gaston Vincent judged the agreed-upon model to be “unacceptable” and “likely to provoke the

disapproval of the Catholic population of Ontario, and more particularly of the French-speaking Catholic population.”

47. Vincent resigned, in protest, from the Board of Regents of the University of Sudbury to fight the new proposal, historians Michel Bock and François-Olivier Dorais recall (2016). In a letter dated September 28, 1959, Vincent reiterated the impossibility for “Catholics and Protestants” to “share a common institution,” that “Catholics should not have to renounce the confessionality of their institution,” that Bouvier “had no power to negotiate an agreement” without the approval of the Council of Regents, that the Protestants “would control technical and scientific education, and therefore grants,” and that the Catholic and bilingual university “would be controlled by the regents of the neutral university.” Vincent also went to complain to the provincial, J. d’Auteuil Richard, on October 5, 1959. Vincent might have continued his fight if he had not been mortally struck by a thunderbolt during a storm, as announced by *Le Droit* on October 13, 1959.
48. It could be said that the notion of consultation with Franco-Catholics is still in place, but that the consent, of the spokesperson association, has been breached and does not follow custom.
49. The proposal that the bilingual, Catholic University of Sudbury be subject to a secular federation, in the same way as federated universities of the Anglican and United Churches, divides the Jesuits of Sudbury, who feel the need to take a vote on the proposal to create a Laurentian University with the mission of offering bilingual services, but without the obligation to offer a minimum threshold of courses in French. As philosopher Lucien Pelletier (2012) reminds us, “the situation was presented to all the Jesuits of Sudbury but, in order to give everyone time to reflect, it was agreed to postpone the discussion until the following day. On February 21 [1960], the Jesuits expressed themselves: nine rejected the proposed new orientation, eight were in favour, two had not yet formed their opinion and two gave a conditional opinion. Faced with such a divided result, the consultants maintained their decision. Then, on February 23, they met in the morning with Father Provincial, who asked them not to back down.”
50. Consent from the founding fathers of Sudbury's university teaching tradition is narrowly obtained, but it cannot be said that a consensus is reached.
51. Aimé Arvisais, the interim president of the ACFEO, tried to familiarize himself with the issue, but the process with the province was already underway.
52. On March 22, 1960, Arvisais obtained an interview with Bouvier. As the transcript of the telephone conversation in the ACFEO archives shows, Bouvier wanted to reassure a reluctant ACFEO to accept the game plan. Arvisais noted the lack of guarantees regarding the quantity of programs offered in French, as well as the place of French Canadians and Catholics in decision-making bodies. Bouvier shared that equal annual budgets will be provided to offer the same programs in arts, English and French. The autonomy of the University of Sudbury would also be guaranteed, by operating, according to Bouvier, “absolutely independently”, simply lending resources “on a contract basis... in return for remuneration” to Laurentian University. As for administration, budgets would be

prepared “in both languages” and “everyone will be able to discuss in their own language.” Arvisais asked for guarantees in writing, but will not obtain them.

53. Matt Bray (2010) points out that there are a variety of competing interests between the provincial government, the three religious groups and local industry. In February 1960, the Ontario Legislature received four private bills incorporating Laurentian University (non-denominational), Huntington University (United), the University of Sudbury (Roman Catholic) and Lalement University (a Roman Catholic theological college).
54. Laurentian University’s constituent act was signed six days later, on March 28, by R. J. Boyer, J.-N. Desmarais, R. D. Parker, J. E. Fullerton, L. J. Côté, R. Bélisle, E. Bouvier, E. S. Lautenslager, and Justice Dana Porter.
55. On March 29, 1960, Roger Poirier wrote in *Le Droit* that “Laurentian cannot establish existing faculties [and] institutes... at the University of Sudbury” and that the new university must rent the services of the latter for all teaching in these fields. With well-established departments of arts and science, the University of Sudbury would become the principal educational institution of Laurentian. At the end of July, after the University of Sudbury designated itself as the federation’s main teaching college, Huntington’s representatives deemed it “positively unacceptable,” and asked, “to be assured of the establishment of an active University College under the administration and direction of the Laurentian University of Sudbury.” By the end of August, having learned that the payment of provincial grants would depend on the conclusion of all federation agreements and the unequivocal designation of Laurentian as a nondenominational institution, the Board of Governors went to work. Bouvier turned around in early September and recommended to the Executive Committee not only the create of the university college, but also that it considers “the advisability of instruction in the Faculty of Arts and Sciences to be given by Laurentian University through University College.”
56. As the train of the new university has already left the station, it would be difficult to change course. Historian Robert Toupin, who made the transition from the Jesuit institution to the new university in September 1960, recalled in an interview on December 9, 1992, with Bouchard (1996), “[t]he Jesuits were abandoning the totally French context to accept working in a bilingual environment with an English dominance. It was all a bit hard and, for some, traumatic. At the college, fathers who had been teaching for ten, fifteen, twenty years, with a lot of motivation, work and fervour for the Catholic and French cause were somehow sidelined. Once they had left the Collège du Sacré-Cœur, there was no French home.”
57. One advantage of the new agreement was the access to provincial grants to offer and expand courses in French.
58. According to Matt Bray (2010), “[l]ost in the controversy surrounding the birth of Laurentian University was the history-making enormity of the event, not simply for Northern Ontario, but for the province and even the country. The creation of a non-denominational, bilingual, bicultural, federated university encompassing theologically

diverse religious colleges would have been revolutionary anywhere in the Canada of 1960.”

59. Guy Gaudreau (2010) reminds us that the foundation of a teacher training college in Sudbury continued to motivate the Jesuits. The provincial brought the issue back to the forefront in 1961 and allowed the province to announce, the following year, the construction of a normal school, whose affiliation remained undetermined. Partially bitter about the Laurentian compromise, the Jesuits and the ACFEQ were determined that the University of Sudbury should be the founding institution. When the institution opened in 1963, a Jesuit was appointed to head it and it would not be affiliated with Laurentian University until 1975.
60. Matt Bray (2010) notes that Laurentian University of Sudbury establishes bicameral governance (Board of Governors and Senate) as is the norm in Canadian universities. The Board is responsible for governing the University and managing its finances. The province appoints 6 of the 24 governors and the three founding churches the remainder. The early members were male, drawn from the social, entrepreneurial, and professional elite of Sudbury and area. There were 14 Protestants, 9 Catholics, and 1 Jew. Of the 24 governors, 6 are francophone, in proportion to their demographic weight in the population of Northeastern Ontario.
61. The Sudbury business community played a key role in the management of Laurentian during its first decade of existence. Ralph Parker of INCO led the Board of Governors until he was replaced by Horace Fraser, of Falconbridge Nickel, in 1965.
62. The Council, through its Executive Committee, is involved in internal issues and issues related to teaching and research. For its part, the Senate, which is responsible for university education policy, rarely gets involved in other matters.
63. The number of professors quadrupled between 1963 and 1968.
64. Émile Bouvier acted as the first rector for the first year. To recall Matt Bray (2010), “[f]luently bilingual, the Roman Catholic Bouvier balanced Parker, the Protestant board chair, as prescribed by the religious duality clause in the first Parker report. Given this exigency and the skeletal nature of its administrative staff, the choice was logical, as the new university needed the leadership of someone with Bouvier’s academic stature and administrative experience.”
65. While Rector Bouvier has a tendency to crush eggs, including firing Yves Ferland, a veteran professor at Collège du Sacré-Cœur and the University of Sudbury and Dean of Arts and Science, for insubordination for leading a “clique” mounted against him, the second Rector, Harold Bennett, was more concerned about the advisory functions and prerogatives of the Council, recalls Matt Bray (2010). “As a governor, furthermore, he appreciated the religious and linguistic sensitivities of his fellow board members, and the need for an Anglophone Protestant acting president whose command of French was less than perfect to curry their support.”

66. The Rectorate maintained a tradition of biculturalism. Rector Stanley Mullins recalls Matt Bray (2010), “came under scrutiny when the board established a special committee on bilingualism. The committee’s existence reflected, first and foremost, dissatisfaction on the part of Francophone governors with Mullins’ publicly expressed views about the ‘failure’ of bilingualism at Laurentian, dissatisfaction that dated from the autumn of 1964.”
67. The 1965 report of the Special Committee on Bilingualism recognized a high degree of dissatisfaction with “the day-to-day efficiency of the normal functioning of the University.” Matt Bray pointed out that it was Francophones who felt that the conditions of their consent were not being met.
68. As Gaétan Gervais (1992) has written, the province’s replacement of discretionary funding in 1967 with the “basic income unit”, a mechanism that calculates funding based on enrolment, is compensated for bilingual universities through the creation of a \$1.7 million compensation fund for French-language programs, a form of recognition of the additional cost of translation of documents, duplication of programming and lower enrolment.
69. In the winter of 1966, Laurentian University offered a quarter of its 132 courses in French, recalls Guy Gaudreau (2010).
70. In the mid-1960s, the perception of a broken pact between the two language groups and of a lack of respect for the consent of the linguistic minority emerged within Laurentian University.
71. An assembly of professors and students demanded an increase in the number of professional programs in French, the establishment of a quota of French-language students corresponding to one-third of the student body and the creation of an ombudsman's office, but their proposals were ignored.
72. When Louis Painchaud (1968), an investigator for the Royal Commission on Bilingualism and Biculturalism, visited the Laurentian campus in 1965, he noted that the French-Canadian elite did not find “a cultural environment conducive to its development.” Painchaud points out the difficulty of establishing bilingualism and biculturalism outside of courses and activities held in French, since Anglophones are rarely bilingual. Painchaud suggested that Laurentian establish “parity of the two languages and [...] of the two groups” and welcomed the existence of decision-making bodies to develop bilingualism and biculturalism. In his view, all staff and students would need, at a minimum, to develop “the ability to understand the second language” both orally and in writing.
73. In 1967, students demanded a better place in the governance of the institution, under the leadership of the president of the Students’ General Association (SGA), Étienne St-Aubin. The legislative committee decided that henceforth “Laurentian professors and students should be consulted” in a redefinition of the university’s status. According to Bray (2010), “[i]n a strategically adept move, in October 1968, the SGA requested that

- six student voting positions be added to Senate. Although not without opposition from some of its members, Senate did so in December.”
74. Wanting to imagine the “Confederation of tomorrow”, Premier John Robarts asked University of Ottawa Professor Roger Saint-Denis to chair the Franco-Ontarian Cultural Inquiry Committee. The Saint-Denis report (1969) emphasized the importance of bilingual universities to the cultural development of French Ontario, but noted that the range of programs and courses in French was very incomplete and that this challenge was particularly pronounced in the natural sciences. He also notes the dramatic under-representation or even absence of Franco-Ontarians among executives and professors.
75. In October 1969, 175 representatives of Franco-Ontarian high schools and youth movements converged on Ottawa, at the invitation of the new *Assemblée provinciale des mouvements de jeunes de l'Ontario français* (APMJOF), to take stock of the bilingual universities. The demographic decline of the French-speaking population in the universities of Ottawa (at 51%) and Laurentian (at 17%) was indicative of a loss of influence in decision-making.
76. According to the APMJOF's brief (1970), “[a] university must not only allow French-Canadian students to study in their own language but, we believe, provide them with a cultural environment that is specific to them, an environment that is favourable to their cultural development. [...] In our opinion, it is not only the classroom that forms the workplace; the campus, the atmosphere and the activities are also part of it. [...] The vocation of bilingualism [...] is, in fact, to ensure French post-secondary education in a homogeneous French environment. It is the vocation of bilingualism in an English-speaking province.”
77. In the weeks following the October 1969 assembly, student Donald Obonsawin returned to Sudbury and published a manifesto in the pages of the bilingual student newspaper Lambda, noting the failure of Laurentian bilingualism and encouraging the creation of a French-language faculty or university in Sudbury.
78. In 1972, the Commission on Post-Secondary Education in Ontario, headed by Professor Edmund Wright, proposed at Queen’s Park to increase French-language programming in bilingual universities, but refrained from measuring the effectiveness of institutional bilingualism and confined itself to the need for Franco-Ontarians to be bilingual and the difficulty of providing a university education to a dispersed minority population.
79. We can see considerable differences between the APMJOF and Wright in their understanding of the needs and aspirations of Franco-Ontarians.
80. At Laurentian University, the administration recognizes the legitimacy of certain criticisms levelled at it. According to Bray (2010), “‘the relatively inflexible position’ of the Laurentian board which ‘became used [during the Mullins era] to... making decisions on the basis of agreements with the president and find it difficult to understand the current agitation for greater Faculty participation.’” It is recommended that a “mediation team” advise the President. Premier Davis’ candidate to lead the team is J. G. (Gerry) Hagey.

81. Overall, Hagey proposed a decentralized, multi-faculty institution with an administrative organization closer to the professors and staff, from which students will gain greater respect.
82. The Board of Governors was appalled when they learned that Hagey was proposing the creation, within Laurentian University, of a French college, composed of an autonomous administration and physical space. The Board rejected this recommendation out of hand, according to Gaudreau (2010). Fearing that such a college would create a “ghetto”, the Council mandates the Joint Committee on Bilingualism to propose a more targeted intervention.
83. The Committee submitted *Mémoire sur les besoins de l’Université Laurentienne pour qu’elle joue pleinement son rôle d’institution bilingue* (1971), a “Memorandum on the Needs of Laurentian University to Fully Play its Role as a Bilingual Institution,” in which it proposed the establishment of a translation and interpretation program, whose graduates could help ease linguistic tensions.
84. In 1973, the Senate established an Advisory Committee on Francophone Affairs (*Comité consultatif des affaires francophones*, CAF), which was mandated to make recommendations to the Senate on how to spend the federal government's annual allocation to Laurentian University for bilingualism. According to François-Olivier Dorais (2013), this body was the first form of administrative autonomy for Francophones within Laurentian.
85. In the absence of a significant parallel administrative structure, the Franco-Ontarian community is creating spaces for autonomy on campus. The francophone community borrowed the path of culture to become autonomous within Laurentian University. The emergence of federal grants for cultural projects, along with a growing cultural awareness among Franco-Ontarian youth, fostered a certain parallel institutional development. Alumni of the *Troupe Laurentienne* (1969) founded the *Théâtre du Nouvel-Ontario* and *Réaction*, the first French-language student newspaper, in 1971. In the winter of 1973, the *Franco-Parole* congress led to the first *La Nuit sur l’étang* concerts and the publishing house *Prise de parole*. In 1974, 57% of French-speaking students voted to create an independent student association and to leave the Students’ General Association (bilingual). On September 25, 1975, students and lecturer Gaétan Gervais made and raised the Franco-Ontarian flag at the University of Sudbury. In the fall of 1976, professors from various backgrounds founded the *Institut franco-ontarien* to establish the credibility of Franco-Ontarian studies. Several of their works in the field would appear in the *Revue du Nouvel-Ontario*, which they launched in 1978.
86. In the absence of a parallel administrative structure, the Franco-Ontarian community created spaces for autonomy on campus.
87. Over the course of the decade, Bray (2010) recalls, Laurentian expanded its consultation mechanisms. In 1970, two senators (one from the faculty and one from the student body) were added to the executive committee as non-voting members. “Reform and

transparency persisted in subsequent years.” In 1972, the board began to circulate executive minutes to non-voting members, and granted membership to the Laurentian University Administrative Staff Association and to “all sections of the University not now represented by the [other staff] associations. Four years later, it allocated a non-voting seat to the Laurentian University Alumni Association, and one to the *Association des étudiant(e)s francophones* (AEF) in 1977.”

88. Bray (2010) adds: “[i]n order to recast governance at Laurentian in the ‘participatory decision-making’ mould then sweeping across Canadian post-secondary educational institutions, Senate enhanced its role in a number of areas, four being particularly crucial. One was the adoption of procedures in the spring of 1971 providing for faculty selection of departmental chairs, school directors, deans, and associate deans, a radical change from the previous top-down appointment process.”
89. Gradually, the CAF was given new responsibilities and began to review and develop French-language programs. In 1978, it was replaced by a Conseil de l'enseignement en français (CEF). Like its predecessor, recalls Dorais (2013), the CEF is an advisory body reporting to the Senate. That said, it has greater autonomy in its ability, in collaboration with faculty, students and the community, to propose, manage, and promote courses and programs in French.
90. In 1981, the percentage of Francophone students enrolled at Laurentian University was 18% (a rate that has stagnated since the mid-1960s) and no courses were offered in French in the natural sciences. As a corollary, only 10% of students are enrolled in a French-language program. In the fall of 1983, the CEF launched a commerce program in French. It also succeeded in ensuring the hiring of a higher proportion of French-speaking executives, again according to Dorais (2013).
91. The administration rejects the recommendation to create a parallel Senate to manage French-language pedagogy and programs. The dependence of Francophones on a Senate with a strong English majority contributes to slowing down the expansion of these programs and marginalizing the interests of Francophone students and professors.
92. The deficits accumulated by the university do not help the institution’s actualization. According to Bray (2010), “larger than expected numbers of Northern Ontario students chose universities elsewhere in the province,” and due to “shifts in students away from the traditional arts and sciences, the areas strongest in terms of faculty, to under-staffed, more expensive professional schools such as commerce,” “provincial funding failed to keep pace with inflation,” and “deficits mounted, threatening to carry the accumulated debt into the realm of unmanageability.”
93. The eclectic nature of French-language programming in the province was the subject of reflection among Franco-Ontarians in the early 1970s. In 1972, ACFO’s general conference urged the organization to “immediately begin to study the need and means of establishing a French-language university in Ontario.” In 1978, Direction-Jeunesse, the representative organization for Franco-Ontarians aged 14 to 30, also published a report on French-language student life on campus, entitled *Le Complexe des différents*, “[t]he

complexes of those who are different,” which shed light on the lack of resources for student life and studies in French in bilingual universities and called, the following year, for the establishment of exclusively French-language postsecondary institutions, according to Direction Jeunesse and the Fédération de la jeunesse franco-ontarienne (1988).

94. In February 1979, Bock and Dorais (2016) recall the AEF occupied the administrative offices for two days to demand the centralization of services in French. In February 1980, the AEF, accompanied by professors and the regional ACFO, set up an Action Committee for a Franco-Ontarian university to be established in the Northeast.
95. The provincial ACFO favoured a Franco-Ontarian university “in the long term,” being open to an intermediate stage, “a network of services organically constituted according to the will of the community” (1983). Nevertheless, the horizon of “a complete network of university services [...] administered by the stakeholders themselves in such a way as to be the most flexible and responsive” remained in their aspirations.
96. At the same time, the Committee for the Restructuring of the Universities of Northeastern Ontario (Parrot Committee) created by the Bill Davis government urged Franco-Ontarian groups to demand more French-language university programs, grants and university structures for Francophone students.
97. At the beginning of January 1983, the regional ACFOs of the Northeast organized a consultation in Timmins with some forty Franco-Ontarian participants from various backgrounds to produce a brief that recalled the difficulties of Laurentian University in “offering a satisfactory range of courses in French” and a “bilingual design that [...] still does not work in favour of Franco-Ontarians. Their chronic under-representation among executives and professors and Anglophone power “in decision-making bodies” explained these difficulties according to Serge Dignard and Pierre Raymond (1983).
98. During the Parrot Committee hearings, representatives repeated these grievances and recommended a “parity Francophone presence in decision-making bodies” according to Jeanne Rheault (1983), as “a concrete expression of full bilingualism, [...] according to the spirit of the new Canadian constitution” in order to achieve “a serene cohabitation of groups” according to the ACFO (1983). As soon as “the Franco-Ontarian population pool in the northeast” was sufficient, this intermediate stage would give rise to the establishment of “a unilingual French university.” According to ACFO, the Franco-Ontarian community needed to be able to “rely on university teaching and research to develop” in order to better “take charge of its own affairs”. At the hearings of the same committee, Direction-Jeunesse (1983) spoke of restructuring the higher education community in order to obtain “equitable treatment” for Acadians and Anglo-Quebecers, who hold universities by and for them, and to be able to “escape the worrisome power of assimilation.”
99. However, the Parrot Committee’s mandate was to identify economies of scale and did not recommend any reforms beyond the expansion of French-language programs.

100. In order to “develop an original model of a university system for the use of Francophones” and to obtain “a university system that is specific to them, [...] controlled and managed by Franco-Ontarians themselves,” the ACFO (1984) asked the government to create a commission on French-language postsecondary education. The Ontario government did accept the request.
101. The report of the Bovey Commission, *Options for the Future*, recommended the establishment of a coordination network managed by the Franco-Ontarian community, in particular to increase the number of professional programs offered in French, but this coordination network would not see the light of day.
102. Since 1982, section 23 of the *Canadian Charter of Rights and Freedoms* has guaranteed the right of parents who have been educated in the official language of the minority to enrol their children in primary and secondary schools in that language. Following judgments of the Ontario Court of Appeal in 1984 and the Supreme Court of Canada in 1990, Franco-Ontarians gradually took over the management of “their” schools, Stéphanie Chouinard (2016) reminds us.
103. The French Language Services Act (FLSA), passed in 1986, requires that all provincial government services be available in French by 1989 in 22 regions where Francophones exceed the 10% threshold or represent more than 5,000 people. Instead of offering programs in French in 22 regions, impractical and undesirable, the province decided to concentrate these programs in three new French-language colleges (La Cité collégiale in 1990, Collège des Grands Lacs, and Collège Boréal in 1995). A dozen francophone community health centres were also created in the designated regions. Municipalities and universities are excluded from the provisions of the FHA.
104. Laurentian’s enrolment rose to 4300 in 1989 and grants increased to an average of 8% under the Liberal government, allowing Laurentian to build up a reserve, according to Bray (2010).
105. However, delays in access for Franco-Ontarians continued. The work of Stacy Churchill, Saeed Quazi and Normand Frenette (1985) revealed that a Franco-Ontarian student tended to be admitted in the same proportions as his or her English-speaking counterparts, but was only half as likely to apply. Between 1977 and 1982, this rate barely increased (from 48% to 50%) compared to the provincial average. The researchers established a correlation between the attendance rates of Franco-Ontarians and the proportion of programs available in French. According to them, the lack of regional accessibility and the low availability of programs in French contributed to the social ascent of Franco-Ontarians. In addition, it particularly disadvantaged young men, proportionally more inclined to be interested in natural sciences, technology and industry. In these fields, they enrolled two to ten times less than their demographic weight.
106. In another report, the Conseil de l’éducation franco-ontarienne (1986) added that the under-representation of Franco-Ontarians at the university was the result of their relative absence from administrative and academic positions. “Unless they make up for this by undertaking an affirmative action program in this area,” they noted, “the situation is likely

to deteriorate further. In the absence of models in the areas of university research and teaching, it will always be difficult for young Franco-Ontarians to see the need or usefulness of pursuing a university education.” To counter this trend, according to the researchers, more Franco-Ontarian professors should be hired and Franco-Ontarians should be more involved in the governance of university institutions. “The role of Francophones in the management of most post-secondary institutions is practically non-existent,” they wrote. “[Bilingual post-secondary institutions] are managed by votes decided by the majority without regard to the fact that the linguistic minority loses the opportunity to make its interests prevail.”

107. A Laurentian professor of commerce, Jean-Charles Cachon produced a report (1985), which echoed Alain Massot’s earlier findings (1973) on the University of Ottawa, by showing that a program offering only first-year courses in French deprived itself of two-thirds of its possible clientele, since in these cases the majority chose to make the transition to English upon arrival at the university. If Laurentian University administration heard Cachon’s criticism of incomplete programs, it dismissed his recommendation to establish a French-language college and a bicameral Senate.
108. In May 1987, the administration abolished the CEF, then under the direction of Gaétan Gervais, and replaced it with a vice-rectorate associated with French-language programs and services. Appointed to the new position, Dyane Adam would act as mediator and spokesperson for French programs, according to Gaudreau (2010).
109. Laurentian was able to increase its francophone enrolment by 38% between 1984 and 1988. Thanks in part to the creation of new programs, the proportion of students enrolled in French-language programs increased from 20% to 27% of its overall enrolment between 1986 and 1990.
110. In the wake of the implementation of the LSF, ACFO devoted its 1987 general conference to the issue of post-secondary education. The congress delegates expressed their disappointment with university bilingualism and demanded the right for Franco-Ontarians to govern their own post-secondary institutions. The ACFO then proposed a model of a French-language university with multiple campuses, modelled on the province-wide Université du Québec. The arguments for establishing a university, with figures to back them up, are numerous. Institutional autonomy would be a form of redress, since Franco-Ontarians have historically suffered from under-education.
111. During the September 1990 provincial election, NDP leader Robert Rae declared himself in favour of a French-language university, a support that was reiterated a few months after he took office by his Minister of Colleges and Universities, Richard Allen. However, the NDP’s enthusiasm cooled in the context of a recession in 1991. The government first requires representatives to confirm a consensus within the community, recalls Michel Bock (2019).
112. In 1991-1992, Ontario university programs in French had approximately 650 professors and 10,001 students (all cycles combined), in addition to the 1,310 students enrolled part-time. Queen’s Park devoted \$70 million to bilingual universities for French-language

education. Thus, the viability of a French university with multiple campuses was beyond question, according to Gervais. Raymond Tremblay (1992), rector of the Collège universitaire de Hearst, a French-language university college affiliated with Laurentian, reminded us that a university could also have to its credit the \$134 million collected in tuition fees from Franco-Ontarian families. Moreover, by offering mainly programs in the social sciences and humanities (at low cost), Franco-Ontarian students indirectly subsidize the expensive equipment in pure science programs offered only or almost exclusively in English.

113. The ACFO's claim and the public debate on the issue also had echoes in Sudbury, where the ACFO of Greater Sudbury (ACFOGS) organized a symposium on the question of Franco-Ontarian university on October 25 and 26, 1991. In reference to the first Franco-Parole colloquium held in 1973, the "Franco-Parole II" conference attracted 160 participants from the university, community, professionals and politicians of Northern Ontario.
114. Bock (2019) reminds us that the delegates even went so far as to ask the Jesuits to make the University of Sudbury's charter available to the Franco-Ontarian community. In January 1992, the president of the provincial ACFO, Jean Tanguay, asked the Jesuits to activate the charter of Lalemant College (which they had obtained in 1960 during discussions surrounding Jesuit participation in Laurentian University, but which remained unused), to transfer the assets of the University of Sudbury to them and make it the basis of a Franco-Ontarian university.
115. If "Franco-Parole II" evoked the ideal of a long-term French-language university, the congress also imagined intermediate steps to lead to the empowerment of French-speaking students and professors. In the medium term, Gaudreau (2010) reminds us, the creation of a French college within Laurentian University was proposed. In the short term, it was suggested that a linguistic bicameralism be established in departments, where possible. Moreover, some forty francophone professors called for control over the funding of French-language programs. In the spring of 1992, the Laurentian administration showed a certain openness to the autonomist demand for Franco-Ontarian leadership, Gaudreau (2010) recalls. The report, *Vision éclairée de l'avenir*, "A Clear Vision of the Future", proposed to explain to the general public the resources allocated to the French-language sector and to grant management of French-language programs to the Francophone component.
116. The Senate deemed French and English administrative parity at all levels too complex to achieve. However, it accepted that Francophone professors, in departments where numerous enough, hold separate meetings and have their decisions endorsed by the entire department. In January 1994, the Department of History was the first to inaugurate the practice. Gratien Allaire, who had just succeeded Adam as Vice-Rector, extended the practice to departments with a sufficient number of French-speaking professors. This practice will have no follow-up in the natural sciences departments, where Francophone professors are more accustomed to working in English and tend not to see the need for bicameralism. According to Gaudreau (2010), the increase in the contingent of francophone professors in the pure sciences contributes to weakening the militancy of the

- Assembly of Francophone Professors, which became more of a social than a political grouping.
117. Rolande Faucher (1999) points out that the expansion of the range of programs offered in French contributed to increasing the participation of Franco-Ontarians from 50% to 75% of the provincial average between 1981 and 1991.
118. The election of the Progressive Conservatives under Michael (Mike) Harris in June 1995 resulted in a significant reduction in spending on public services, particularly in the university sector.
119. As Bray (2010) points out, full-time enrolment at Laurentian dropped in 1995-96 after fifteen years of steady growth. With 400 fewer full-time students, Laurentian finds itself dangerously close to its low point, below which its subsidies will be reduced. Budgetary restraint reaches \$7 million.
120. Jean Watters is the first francophone appointed rector, in 1998, since Émile Bouvier. Originally from Quebec, he studied adult education in Quebec and Alberta and was the first president of Collège Boréal. According to Bray (2010), “[b]oth benefitting and suffering from being a somewhat known quantity, Watters’ presidency began in an environment of mixed uncertainties, which his first presentations to the university community in September 1998 did little to dispel. [...] Watters’ comments to Senate in September 1998 that “in his view, the question is not if there will be a Francophone University [in Ontario], but rather when and where that Francophone University will be [located]” also unsettled the university community, raising hopes in some and fears in others about the ultimate objective of his then-unspecified restructuring plans. Neither was warranted. In terms of governance, the changes introduced early in 1999 extended the principles of bicameralism, already functioning, in part, at the departmental and decanal levels, to the senior administration. Despite Laurentian’s nearly forty-year history as a bilingual institution, the idea stirred up a good deal of controversy, the board executive, for example, narrowly adopting the April motion to establish the new positions of vice-president academic (Anglophone Affairs) and vice-president academic (Francophone Affairs) by a rare, recorded vote.”
121. At Laurentian, a second pilot project for francophone autonomy is developed. Gaudreau (2010) reminds us that in 1997, the Council of the Faculty of Social Sciences created a French chamber within the Faculty, but this was abandoned in 2000, the results being disappointing according to the Faculty.
122. Laurentian founded a few new programs in French, including Expression Arts, Accounting, Speech Therapy, and Midwifery.
123. That said, the number of Francophone students dropped from its historic high of 1,951 in 1990-91 to 1,173 in 2000-01. The reasons for this include the exodus from the North, the low birth rate, competition between universities and assimilation.

124. The share of provincial grants in university budgets remains at about 37%, as do the shares of tuition fees (26%), business activities (16%), and federal grants (9%) according to Shanahan (2014).
125. Elected in October 2003, Dalton McGuinty's Liberal government gave Bob Rae the responsibility to study the operation of post-secondary institutions. In February 2005, the report *Ontario, A Leader in Education* pointed out that Franco-Ontarians continue to be under-represented at university and that this is still largely due to a “serious accessibility problem.” While the university access rate for Franco-Ontarians reached 85% of the provincial average in 1998, it has stagnated since then.
126. In 2006-2007, the total number of students enrolled at Laurentian exceeded 9,100, a growth of 44% compared to 2002-2003. However, the proportion of the francophone contingent fell from 27% to 21% between 1990 and 1997 and reached 18% in 2007, Gaudreau (2010) points out. While actively bilingual teachers were in a slight majority in 1975, they were a minority (40%) 30 years later.
127. In May 2005, Queen’s Park unveiled its Reaching Higher policy, which promised to increase access to French-language education. Normand Labrie and Sylvie Lamoureux (2012) point out that 56% of Franco-Ontarian high school graduates continue their studies in French at the postsecondary level and two-thirds of them go on to college.
128. In January 2007, the student newspaper *L'Original déchaîné* revealed, according to a survey of approximately 100 students, that two-thirds of Francophone students would prefer to study in a unilingual French institution.
129. Beginning with the economic crisis of 2007-2009, governments adopted austerity policies that led to financial cuts to universities, which, in return, refrained from replacing many of the professors who were retiring. The reduction in faculty meant the cancellation of courses. Between 2009 and 2012, some traditionally full French-language programs lost up to one-third of their courses and came dangerously close to becoming incomplete programs, according to Serge Dupuis and Michel Laforge (2012). The administration is facing difficult demographic and financial realities, but these austerity measures are forcing Francophone students to take more and more courses in English, reducing enrolment in French-language courses and thereby undermining the justification for increasing the number of courses offered in French.
130. In the meantime, Laurentian created two regionally important professional schools, the Northern Ontario School of Medicine (2005) and the Laurentian School of Architecture (2013), which do not offer courses in French, but set the Francophone quota at one-third of registrants and allow students to submit their assignments in French.
131. In 2008, the creation of the Office of Francophone Affairs was a rare breakthrough in these years and allowed Laurentian to support more cultural activities in the Sudbury area and on campus.

132. In the fall of 2011, in response to the reduction in course offerings, some francophone professors took steps to encourage bilingual universities to voluntarily become subject to the LSF and to obtain the designation of organization offering services in French. This designation, to them, seems to be the only way, within existing institutions, to stem the leakage of services and programs, recalls jurist Samantha Puchala (2015). Designation would provide quasi-constitutional protection for university bilingualism programs and policies. It could counter the abolition of courses below the minimum threshold that would prevent a student from completing his or her program in French, according to Michel Giroux (2010).
133. Since the only two autonomous bilingual universities do not have recourse mechanisms when their policies are violated, the designation would allow the Office of the Commissioner of French Language Services, a body created in 2007 and reporting to the Ontario government, to impose its solutions.
134. As a result, the *Regroupement des professeurs francophones de l'Université Laurentienne* (RPF) took steps to convince the Board of Governors to submit such a request for designation. Steps were taken, according to Puchala (2015), in the winter of 2012, but the Office of Francophone Affairs (OFA) of Ontario rejected Laurentian's initial request for designation in February 2014, deeming it incomplete. While the OFA proposed to protect the majority of French-language programs (it had excluded a few from the list, including the political science program), the University asked that the Senate's autonomy be recognized, giving it the discretion to eventually eliminate a protected program.
135. The OFA believes that partial designation should ensure the protection of programs on a permanent basis. Upon being advised that the application was likely to be denied, Laurentian prepared a new application, which was approved in June 2014. The application protects 13 "degrees" (not its 38 programs) in French. In other words, the "partial designation" prevents Laurentian from removing the courses required for a student to obtain an arts degree, but does not guarantee, for example, the sociology or drama degree entirely in French. Since no specific courses are protected, the threshold is the number of courses required to obtain a degree.
136. In an essay on specialization on the issue, Puchala (2015) characterizes the guarantee as "laughable," since the partial designation gives the Senate the power to eliminate the majority of undergraduate courses offered in French in the arts and social sciences while remaining within its partial designation.
137. According to Puchala (2015), the revision of Laurentian's bilingualism policy in 2013 has had a negative impact on the francophone component, as its new version gave the Associate Vice-President of Academic and Francophone Affairs more discretion in terms of exemptions for the hiring of unilingual Anglophone staff, as the long list of positions requiring bilingualism was eliminated. Discretion may allow for more flexibility, but it also opened the door to abuse and the gradual reduction of bilingual requirements for staff.

138. In 2013-2014, Laurentian University offered 98 full programs in English and 38 full programs in French, including 10 master's programs and one doctoral program, offered partially or mostly in French. Laurentian University had 1,696 full-time Francophone students, or 19% of its 9,107 students, but only 16% (1,438) were enrolled in a French program.

139. In 2015, Laurentian announced for 2020, the Mining Engineering program and a workshop at the School of Architecture would be offered in French.

Affirmed remotely by Serge Dupuis of the city of Quebec in the province of Quebec before me at the city of Vancouver in the Province of British Columbia, on March 3, 2021 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking affidavits

Serge Dupuis