

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

STANDING COMMITTEE ON PUBLIC ACCOUNTS

REQUEST FOR A SPEAKER'S WARRANT TO PRODUCE DOCUMENTS FROM LAURENTIAN UNIVERSITY

2nd Session, 42nd Parliament
70 Elizabeth II

STANDING COMMITTEE ON PUBLIC ACCOUNTS

MEMBERSHIP LIST

2nd Session, 42nd Parliament

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FRANCE GÉLINAS, DONNA SKELLY and DAISY WAI regularly served as substitute members of the Committee.

CHRISTOPHER TYRELL
Clerk of the Committee

WAI LAM (WILLIAM) WONG
Parliamentary Counsel

LAURA ANTHONY
Research Officer



December 8, 2021

On April 28, 2021, the Standing Committee on Public Accounts passed a motion requesting that the Auditor General conduct a value-for-money audit on Laurentian University's operations for the 2010-2020 period. On October 6, 2021, the Auditor General updated the Committee on restrictions imposed by the University on her office's work.

The Committee sent three letters to Laurentian University, on October 15, October 22 and November 3, 2021. The first two letters demanded that Laurentian University produce the documents required by the Committee in order to conduct its work. The last letter requested Laurentian to specify its objections to the Committee's demand. The Committee received correspondence from counsel to the University on October 19, October 29 and November 10, 2021, indicating that the University was not willing to provide all of the documents requested by the Committee. On November 17, 2021, the University began to produce to the Committee some documents it had deemed did not contain privileged information or relate to the University's ongoing *Companies' Creditors Arrangement Act* ("CCAA") restructuring proceedings.

On November 18, 2021, the Committee sent a letter inviting representatives from Laurentian University, with counsel, to appear before the Committee in order to explain the University's position regarding the Committee's authority to compel the production of documents; to address the University's concerns regarding the sensitivity of documents related to the audit of Laurentian University; and to explain the University's plan to comply with the Committee's demand for the production of documents in a full and timely manner. Counsel for the University responded on November 22, 2021, indicating that the University's representatives and counsels would be in attendance before the Committee on December 1, 2021.

On November 30, 2021, counsel for Laurentian University sent a letter to the Committee offering to produce (i) all documents, including those subject to privilege, created before the University began to consult with external insolvency counsel in March 2020, and (ii) many non-CCAA privileged documents created after that date, but only subject to wholly unacceptable conditions challenging the rights and privileges of Parliament. The University remains unwilling to provide documents related to the CCAA restructuring.

On December 1, 2021, representatives from Laurentian University and their counsel appeared before a closed session meeting of the Committee.



At its meeting on Wednesday, December 8, 2021, the Committee adopted a motion requesting that the House authorize the Speaker to issue a Warrant to command and compel the production of the documents set out in Appendices A and B of this report.

The Committee previously met on three occasions (October 6, October 20 and November 3, 2021) to discuss this matter. At the first two meetings, the Committee agreed to send letters to Laurentian University demanding the documents that the Committee needed to do its work effectively. Laurentian

University has provided some of the documents requested by the Committee, but has refused to provide all of the documents outlined in the Committee's letters.

Your Committee therefore recommends that the House command and compel Dr. Robert Haché and Mr. Claude Lacroix of Laurentian University to produce to the Committee by February 1, 2022 the documents set out in Appendices A and B of this report, as provided for by the constitutional doctrine of Parliamentary Privilege and that the Speaker issue a Warrant to such effect.

A handwritten signature in blue ink, appearing to read "Taras Natyshak".

Taras Natyshak, MPP
Chair

Appendix A: Information and Materials Requested by the Standing Committee on Public Accounts

Information and materials requested	Date Requested by
All Board of Governors and Board of Governors Committee and Ad-hoc Committees public and in-camera materials and minutes from January 1, 2010 to present	October 22, 2021
All Senate and Senate Committee, Subcommittee and Ad-hoc Committees public and in-camera materials (including all communications of financial information on programs viability and/or Laurentian's overall finances) and minutes from January 1, 2010 to present	October 22, 2021
<p>The complete emails, including archives, from January 1, 2010 to present for the following individuals:</p> <ul style="list-style-type: none"> • Alex Freedman • Amanda Schweinbenz • Annette Cacciotti • Bernadette Schell • Brad Parkes • Blaine Nicholls • Brent Roe • Carol McAulay • Celeste Boyer • Céline Larivière • Chris Mercer • Chantal Beauparlant • Cindy Cacciotti • Claude Lacroix • Collette Rainville • Craig Fowler • Darquise Lauzon • Diane Massicotte • David Lesbarerres • Dean Millar • Dominic Giroux • Eric Chappell • Eric Gauthier • Fabrice Colin • Heather McPherson • Isabelle Bourgeault-Tasse 	October 22, 2021

Information and materials requested	Date Requested by
<ul style="list-style-type: none"> • Joël Dickinson • Jay Patel • Jennifer Straub • Joseph Burke • Julie Birnie • Julie Lacroix • Justin Lemieux • Lace Marie Brodgen • Lorella Hayes • Lindsey Melanson • Marie Josee-Berger • Martin Bayer • Maxim Jean-Louis • Malek Abou-Rabia • Marie-France Girard • Melanie Boulianne • Michel Delorme • Michel Seguin • Normand Lavallee • Osman Abou-Rabia • Dr. Pierre Zundel • Patrice Sawyer • Richard Therrien • Roxane Marois • Robert Bourgeois • Sara Kunto • Serge Demers • Silvie Allard • Shauna Lehtmaki • Stan Pawlowicz • Shawn Frappier • Therese Klotz • Tom Fenske • Tracy MacLeod • Dr. Robert Haché • Robert Kerr • Rui Wang 	

Information and materials requested	Date Requested by
<p>Any and all email communications, including archives, from January 1, 2010 to present with the following domains:</p> <ul style="list-style-type: none"> • kpmg.ca • kpmg.com • sudburylaw.com 	October 22, 2021
Extract of all folders and contents from Laurentian University's T-drive, Google Drive, and any other drive or network share containing documents related to the administrative function of the University as of October 15, 2021	October 22, 2021
<p>KPMG audit planning reports for the following fiscal periods:</p> <ul style="list-style-type: none"> • year ending April 30, 2019 (presented to the Audit Committee during its meeting on March 25, 2019) • year ending April 30, 2020 (presented to the Audit Committee during its meeting on March 23, 2020) • year ending April 30, 2021 (presented to the Audit Committee) 	October 22, 2021
<p>KPMG audit findings reports for the following fiscal periods:</p> <ul style="list-style-type: none"> • year ending April 30, 2010 (presented to the Finance Committee during its meeting on October 4, 2010) • year ending April 30, 2021 (Audit Committee) 	October 22, 2021
All documentation relating to the appointment and retention of the external auditor (including but not limited to internal correspondence, request for proposals, vendor-submitted proposals, evaluation of submissions, minutes of any discussions or decision-making, and signed Board or Audit Committee resolutions) for the fiscal years ending April 30, 2019, April 30, 2020, April 30, 2021	October 22, 2021
All contracts, reports, and correspondence with KPMG regarding non-assurance services (e.g. consulting services, accounting advisory services, tax, financial compilation, loan staff, internal audit services, etc.) for the period of January 1, 2010 to present	October 22, 2021
Documentation and correspondence related to all Laurentian University land purchases, sales and other transactions from January 1, 2010 to present	October 22, 2021
All documentation related to "Laurentian 2.0" prepared for of by the In Camera Ad Hoc Committee on Contingency Planning and the Contingency Planning and Sustainability Measures Report	October 22, 2021
All draft and final budgets and supporting analysis for Laurentian University's budgets from 2010 to present	October 22, 2021
All student registration data from January 1, 2010 to present	October 29, 2021
All internal analysis of revenue and expenses by programs and courses prepared by faculty and administration from January 1, 2010 to present	October 29, 2021

Information and materials requested	Date Requested by
All reconciliation of student enrollment submitted to the Province of Ontario, with Laurentian's budgets presented to the Board of Governors and actual student enrollment for January 1, 2010 to present	October 29, 2021
Materials produced by faculty deans on their analysis of programs' viability and student enrolment from January 1, 2010 to present	October 29, 2021
All internal correspondence regarding the preparation of enrollment data submitted to the province of Ontario for funding purposes from January 1, 2010 to present	October 29, 2021
<p>All documentation, including supporting analysis and decisions made in relation to program/course cancellations, staff and faculty cuts and restructuring prepared up to January 31, 2021 including, but not limited to:</p> <ul style="list-style-type: none"> • All analysis and supporting documentation used in the analysis • Methodology of analysis • Listing of all staff/faculty and departments that contributed to the analysis • Results of the analysis <p>All material that was provided to senior management, and Senate or Board or Committees related to this matter.</p>	October 29, 2021
All current and former Laurentian University Directors and Officers (D&O) Liability Insurance Policy(s) (including Carriers and Reinsurers agreements and policies) from January 1, 2010 to present	October 29, 2021
All personnel files, including but not limited to employment and benefits contracts, performance reviews, annual merit pay and compensation reviews, and resumes, for Chiefs of Staff, Special Advisors, University Secretary and General Counsel, Chief Advancement Officer, and Assistant/Associate Vice Presidents and higher including Interim and Acting appointments (current and former) from January 1, 2010 to present	October 29, 2021
All recruitment files, including but not limited to recruitment postings, applications and resumes received, and documentation of the selection process steps and decisions making for all Chiefs of Staff, Special Advisors and Assistant/Associate Vice Presidents Administration (non- academic) appointments from January 1, 2010 to present	October 29, 2021
All business case, justification or other analysis used to inform the creation of new senior administrator positions (Assistant/Associate Vice Presidents and higher) from January 1, 2010 to present	October 29, 2021
All legal engagement letters and invoices from January 1, 2010 to present	October 29, 2021
Any and all correspondence with Lenczner Slaght LLP, Stockwoods LLP Barristers, Thornton Grout Finnigan LLP and related personnel (including but not limited to all documents, engagement letters, retainer	October 29, 2021

Information and materials requested	Date Requested by
agreements, terms and conditions, invoices, recordings, reports, legal opinions) from January 1, 2010 to present	
All documentation and correspondence relating to the property encroachment on 2115 South Bay Rd from January 1, 2010 to present	October 29, 2021
All documents, including contracts and other information, related to third-party partnership agreements from January 2010 to present	October 29, 2021
All correspondence with the City of Sudbury regarding the School of Architecture property from January 1, 2010 to present	October 29, 2021
All information and internal communications regarding actual or potential conflict of interest situations between January 1, 2010 and present	October 29, 2021
All communications and correspondence with Desjardins between January 1, 2010 to January 31, 2021	October 29, 2021
A listing of restricted donations received from January 1, 2010 to present	October 29, 2021
A listing of restricted research funding received from January 1, 2010 to present	October 29, 2021
All documentation pertaining to current and past litigation from January 1, 2010 to present	November 5, 2021
<p>All documentation provided by Laurentian University to Ernst & Young (EY) as financial advisor and subsequently monitor, and documentation provided by E&Y to Laurentian University from January 1, 2010 to present, not limited to:</p> <ul style="list-style-type: none"> • Letters(s) of engagement, statements of work, and terms of reference • Documentation and correspondence for the period of engagement prior to the date of the CCAA filing and after the CCAA filing • Reports and draft reports • Meeting minutes 	November 5, 2021
All documentation pertaining to union grievances from January 1, 2010 to present	November 5, 2021
All complaints filed by Laurentian University's employees from January 1, 2010 to present and accompanying documentation of the resolution of those complaints	November 5, 2021
All correspondence, materials and minutes, from meetings between LUAPS Executive, the Board and/or Laurentian University from 2010 to present	November 5, 2021
Contracts with all international student recruiters and foreign governments from January 1, 2010 to present	November 5, 2021

Information and materials requested	Date Requested by
All international travel expenses related to international student recruitment from January 1, 2010 to present	November 5, 2021
All internal and external communications regarding the compliance with the Midwifery program funding agreements from January 1, 2010 to present	November 5, 2021
All internal and external communications regarding Laurentian's compliance regarding compliance with (<i>An Act to Incorporate Laurentian University of Sudbury, Broader Public Sector Accountability Act, Broader Public Sector Executive Compensation Act, French Language Services Act, Protecting a Sustainable Public Sector for Future Generations Act, 2019</i>) from January 1, 2010 to present	November 5, 2021
All current and former Board of Governors and Senate expenses from January 1, 2010 to present	November 5, 2021
All information on Board of Governor nominations and appointments from January 1, 2010 to present	November 5, 2021
All financial statements for the Laurentian University pension plan as well as plan text, plan amendments, actuarial valuations (funding and accountings), fund manager investment reports, and all documentation regarding the conversion of the pension plan from defined contribution to defined benefits for period of 2010 to present	November 5, 2021
The bids and submissions received for the operational and governance review that the university is currently undertaking, and any evaluations of the proponents	November 5, 2021

Appendix B: Information to be provided to the Standing Committee on Public Accounts by October 29, 2021

Information and materials requested
<p>* All Board of Governors and Board of Governors Committee and Ad-hoc Committees public and in-camera materials and minutes from January 1, 2010 to present in their entirety*</p>
<p>* All Senate and Senate Committee, Subcommittee and Ad-hoc Committees public and in-camera materials (including all communications of financial information on programs viability and/or Laurentian's overall finances) and minutes from January 1, 2010 to present in their entirety*</p>
<p>**The complete emails (including all archives and migrated emails from the legacy mail system to Google Mail), as of either August 12, August 13, or August 16, 2021 for the following individuals and domain names**:</p> <ul style="list-style-type: none"> • Carol McAulay • Chris Mercer • Dominic Giroux • Isabelle Bourgeault-Tasse • Julie Lacroix • Lorella Hayes • Normand Lavallee • Dr. Pierre Zundel • Sara Kunto • Serge Demers • Shawn Frappier • Tracy MacLeod • Dr. Robert Haché (rhache@laurentian.ca, rhpvc@laurentian.ca) • president@laurentian.ca • pvpa@laurentian.ca • vpadmin@laurentian.ca
<p>**Any and all email communications, (including all archives and migrated emails from the legacy mail system to Google Mail), as of either August 12, August 13, or August 16, 2021 with the following domains**:</p> <ul style="list-style-type: none"> • kpmg.ca • sudburylaw.com
<p>**Extract of all folders, including subfolders and contents, from Laurentian University's T-Drive as of August 16, 2021 contained in the folders identified below**:</p> <ul style="list-style-type: none"> • Finance • Human Resources and Organizational Development

Information and materials requested
<ul style="list-style-type: none"> • Legal • Physical Plant Capital • Risk and Insurance • Secretariat <p><i>(Our understanding is that the above folders contain, at a minimum, the following types of information: Accounting, Finance, Legal / General Counsel, Corporate Secretary, Board of Governors, Capital Procurement, Procurement and HR)</i></p>
<p>KPMG audit planning reports for the following fiscal periods:</p> <ul style="list-style-type: none"> • year ending April 30, 2019 (presented to the Audit Committee during its meeting on March 25, 2019) • year ending April 30, 2020 (presented to the Audit Committee during its meeting on March 23, 2020) • year ending April 30, 2021 (presented to the Audit Committee at an unknown date)
<p>KPMG audit findings reports for the following fiscal periods:</p> <ul style="list-style-type: none"> • year ending April 30, 2010 (presented to the Finance Committee during its meeting on October 4, 2010) • year ending April 30, 2021 (presented to the Audit Committee at an unknown date)
<p>All documentation relating to the appointment and retention of the external auditor (including but not limited to internal correspondence, request for proposals, vendor-submitted proposals, evaluation of submissions, minutes of any discussions or decision-making, and signed Board or Audit Committee resolutions) for the fiscal years ending April 30, 2019, April 30, 2020, April 30, 2021</p>
<p>All draft and final budgets and supporting analysis for Laurentian University's budgets from 2010 to present</p>

* The Committee's understanding is that these materials have already been provided incomplete form to Laurentian Counsel*

The Committee's understanding is that this information is already downloaded and stored on a hard drive at Laurentian University with password protection from Laurentian University and Office of the Auditor General.

