

## Procedures Relating to Censure

### Preface

When a university or college administration (including its governing body) acts in a manner that threatens academic freedom and tenure, undermines collegial governance, disregards negotiated agreements, refuses to bargain in good faith, or takes other actions that are contrary to interests of academic staff or compromise the quality and integrity of post-secondary education, CAUT will do everything in its power to remedy the situation.

CAUT will investigate any allegations brought to its attention, consult with its member local association, and attempt to negotiate a resolution with the institution's administration. In the event that fails, CAUT has a variety of options, including, but not limited to: encouraging the local association to pursue the matter through grievance and arbitration procedures; seeking a meeting with the senior administration of the institution; undertaking a formal investigation by a committee of inquiry; drawing the matter to public attention; issuing of a Bargaining Alert; seeking redress through Labour Relations Boards or other statutory bodies; lobbying governments for legislative intervention; and censure.

Censure is an extremely important sanction that must be used carefully. Censure means asking CAUT members:

- not to accept appointments at a censured institution;
- not to accept invitations to speak or participate in academic conferences there;
- not to accept any distinction or honour that may be offered by that institution.

It also means that CAUT will:

- refuse to accept advertisements for positions vacant at an institution under censure in the CAUT Bulletin or on the CAUT website;
- widely publicize the dispute in the media and in the CAUT Bulletin and other publications;
- bring the censure to the attention of associations of academic staff in other countries, request that they publish an account of the dispute in their journals and ask their members to respect the censure;
- bring the censure motion to the attention of post-secondary student organizations, the Canadian Labour Congress, and other appropriate groups;
- encourage academic disciplinary associations to refuse to carry advertisements for or hold events at censured institutions.

The effectiveness of censure depends on its judicious application. As with many sanctions, too frequent or indiscriminate use diminishes, and can destroy, its effectiveness. Further, censure is a sanction that is more effective in some situations than others. Since it is only one of many means of trying to get a problem resolved, it should only be considered when it is both warranted and deemed to be an effective sanction against the offending institution. When censure is warranted but where it would not be effective, other measures should be used.

**1**

The General By-law of the Canadian Association of University Teachers defines the objectives of the Association to be "to promote the interests of academic staff, including but not limited to professors, professional librarians and researchers, to advance the standards of their professions, and to seek to improve the quality of post-secondary education in Canada. Crucial to those objectives are the protection of academic freedom and tenure, effective academic staff participation in governance, and respect for agreements negotiated with academic staff associations and for the negotiating process.

**2**

When an academic staff association or individual academic staff member, whether a member of CAUT or not, believes that any of the above have been violated by the administration of their institution, they may bring the matter to the attention of the Association which will undertake to gather information and evidence in order to determine whether there is in fact a legitimate concern. If there appears to be, the Association will proceed to examine the case and to recommend suitable procedures for resolving the dispute. The work of the Association at these stages is conducted privately and with as little publicity as possible.

**3**

Depending on the nature of the situation, the Association may refer the matter to the Academic Freedom and Tenure Committee, the Collective Bargaining and Economic Benefits Committee, or other committees of the Association as may be appropriate to assist with investigation and/or resolution of the matter. As part of the Association's efforts to investigate the matter and to effect a resolution, the Association may constitute a committee of inquiry or other investigatory body and may arrange one or more visits to the institution.

CAUT will seek redress of particular wrongs and attempt to assure that proper policies and procedures are affected in order to prevent recurrences or continuations of similar complaints.

**4**

If it appears that the institution's administration is disregarding CAUT's concerns or that proper steps are not being taken by the institution's administration to effectively address and resolve the issue in a reasonable period of time, the CAUT Executive may recommend to the CAUT Council that the institution's administration be censured.

Although at first glance it may appear useful, there is in fact little profit in attempting a priori definition of "reasonable period of time." The gravity of the situation, the nature of governance, the number of persons involved in any given case, as well as other circumstances, might affect any consideration of how much time should be involved in rectifying difficulties or abuses.

**5**

In all cases, the matter shall be discussed with the local association and its views considered before any action is taken by the Association.

**6**

All recommendations for censure will be presented to Council with extensive and careful documentation, and ample time will be allowed for discussion and debate.

Such care is necessary since the imposition of censure is an action with important implications for the academic community. It means that after exhaustive investigation and consultation, CAUT has concluded that a particular action, or series of actions, by the administration, has breached one or several of the fundamental principles of academic freedom and tenure, governance, respect for negotiated agreements, or other matter which CAUT has formulated in its policy statements and which it believes to be indispensable to the proper functioning of an academic institution. It also means that the administration concerned has resisted all reasonable suggestions from CAUT for a resolution of the dispute in question. It is, further, a notice to all organizational and individual members of CAUT that they should inform themselves of the issues involved in their dealings with a censured institution, and cooperate with CAUT's efforts to achieve a settlement. In particular, academic staff are asked not to accept appointments at a censured institution; not to accept invitations to speak or participate in academic conferences there; and not to accept any distinction or honour that may be offered by that institution. Academic staff members employed at an institution whose administration is under censure are asked to support and assist this effort to convince their administration of the gravity of the issues involved and the necessity for a settlement.

## **7**

Censure will be imposed by the Council as follows. If persuaded that a censure is justified, the Council will pass a motion giving notice to the administration concerned that unless the dispute is resolved, censure will be imposed at its next meeting. This action will be publicized within the Canadian academic community. The Association will undertake renewed efforts to settle the dispute, and report progress to the Council. On the basis of that report the Council may decide to impose censure, which will remain in effect until the Council is satisfied that the matter has been satisfactorily resolved.

## **8**

A vote of censure will be given wide publicity. The CAUT *Bulletin* will publish a full account of the history of the events and the grounds for censure. Information will be sent to all CAUT local associations with a request that the matter be brought to the attention of their members. Accounts of the censure will also be supplied to the national press, relevant local media, and relevant disciplinary associations. The censure will also be brought to the attention of associations of academic staff in other countries, who will be asked to publish an account of the dispute in their journals and to ask their members to respect the censure.

## **9**

CAUT will not publicize advertisements for positions vacant at an institution under censure in the CAUT *Bulletin* or on the CAUT website, and will draw attention to the censure in each issue. CAUT will encourage disciplinary associations similarly to restrict advertisements.

## **10**

The President will report to each Council meeting on the censure. The report will be published in the CAUT *Bulletin*, with an account of the dispute.

## **11**

The local academic staff association at the institution concerned will be asked to appoint a representative to act as the liaison officer with CAUT and the relevant provincial association.

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