



Memorandum

Date: June 1, 2020
To: CAUT Council
From: David Robinson, CAUT Executive Director
Re: **Executive Director's Annual Report to Council**

As I write this report, Canada and the world continue to struggle to contain the rapid outbreak of COVID-19. Physical distancing orders have forced the closure of businesses and institutions, including universities, colleges, and schools. Academic staff have been forced to pivot quickly to remote teaching. Many research facilities have been shuttered. International travel has been restricted. Stock markets have plummeted, unemployment has risen to historic levels, and the economy has slipped into recession. The pandemic, in short, has upended our world.

The unfolding situation remains extremely fluid, but one thing is clear: the COVID-19 pandemic has brought into sharp relief the long forming fault lines and fissures within our universities and colleges. The increasing reliance of our institutions on private financing, the exploitation of precarious labour, and the turn toward commercialization has left us ill-prepared to deal with the current crisis.

Post-secondary education in a post-pandemic world is yet to be defined, and the voice of academic staff must be heard if we are to avoid replicating the errors of the past. After years of being cut, squeezed, trimmed, mismanaged, and overburdened, the people who work in universities and colleges need to come together to define and advance a more sustainable and equitable vision for post-secondary education.

RESPONDING TO COVID-19

As the pandemic forced the closure of campuses and the shift to remote teaching, CAUT quickly provided advice to member associations to protect the health and safety of members and to defend core professional rights, including academic freedom and collegial governance. A section of the CAUT website has been devoted to answering frequently asked questions about the impact of the pandemic on academic work, and CAUT prepared a draft letter of understanding (LOU) for associations to negotiate with administrations. The LOU provided suggested language on issues such as handling the temporary transition to remote teaching, changes to annual assessments, deferral of sabbaticals, recognition of increased workload, and protections for contract academic staff.

In addition, CAUT organized a number of on-line town hall forums. Topics presented to date include remote teaching, intellectual property rights, governance, and the impact on contract academic staff. We also organized a special webinar with senior representatives of the Tri-Councils to discuss changes to research funding and grant competitions in light of COVID-19. Further town halls and on-line training will be provided in the weeks and months ahead, including a special summer school tentatively planned for late July or early August.



On the collective bargaining front, CAUT member associations were already facing significant challenges before the pandemic. Prior to COVID-19, the most noteworthy trend was government interference with free collective bargaining in a number of provinces. In British Columbia, Alberta, Manitoba, and Ontario, government-mandated limits on compensation were in force or threatened. While salary increases have therefore been modest in most cases, academic staff associations made important gains in other areas, including improvements to academic freedom and academic governance, job security, equity, and workload.

The uncertainty about the impact of the pandemic on university and college finances makes for a challenging negotiating climate. Several associations in bargaining or about to enter negotiations have opted to defer talks or settle on rollover agreements with the administration. Others have proceeded with bargaining through virtual means. A few institutions have signalled their intention to potentially trigger financial exigency and redundancy options. It is critical that we interrogate administration claims of financial distress carefully, and consider cost-saving measures only when a *bona fide* case has been made. CAUT staff are available to assist associations with this. In all cases, it is important that we avoid wherever possible academic staff layoffs, redundancies, and cancellations of contracts.

POLITICAL ACTION AND CAMPAIGNS

We do not yet know the full impact of the pandemic on our institutions, but there are some troubling early signs. Many universities and colleges have relied heavily on international student fees, revenues that could be severely affected if travel restrictions remain in place in September. Domestic enrolments may also be at risk if remote teaching, as is currently the plan at most institutions, remains the norm for the 2020-21 academic year. On top of this, some provinces have cut funding grants to universities and colleges.

CAUT's advocacy priority over the past few months has been to press the federal government to provide assistance to universities and colleges in light of the financial challenges posed by COVID-19. The government has taken some important steps to help Canadians who have lost or are at risk of losing their income and jobs. The Canada Emergency Response Benefit (CERB) provides income assistance to those made unemployed by the pandemic, and the Canada Emergency Wage Subsidy (CEWS) provides employers with a subsidy of 75% of employee wages for up to 24 weeks to re-hire workers previously laid off as a result of COVID-19 and prevent further job losses.

While welcoming these initiatives, CAUT lobbied the government to fill important gaps in these programs. We pointed out that most university and college students are not eligible for CERB benefits. The government eventually responded by creating the Canada Emergency Student Benefit (CESB) that provides emergency financial relief to students and recent graduates who are unable to work, or unable to find work, due to reasons related to COVID-19. CAUT continues to lobby the government to extend the eligibility of CEWS benefits to include colleges and universities.

Additionally, CAUT has been pressing for more direct support for post-secondary institutions so that they may weather any financial fallout from COVID-19. CAUT has been urging the government to fund tuition waivers in order to encourage students to begin or continue their studies as a poll commissioned by CAUT and the Canadian Federation of Students found evidence that many are uncertain whether they will attend in the fall. The public opinion survey conducted by Abacus Data in May that found that up to 30% of students were reconsidering their plans for the next academic year. Respondents said the main reasons for reconsidering were concerns about their finances as well as the quality of remote teaching. On the other hand, 60% of students who were reconsidering their enrolment plans would definitely return if tuition fees were waived. The survey generated some interest in government circles, and the Prime Minister's Office requested a briefing from CAUT staff and Abacus.

In the weeks and months ahead, it will be critical that CAUT continue to lobby for additional financial assistance for members and institutions. Education will be critical to economic recovery, but that will require a significant investment on the part of the federal and provincial governments.

COLLEGIAL GOVERNANCE

One of the more disturbing developments in recent weeks has been the tendency of many institutions to by-pass academic governance bodies when making educational decisions about course delivery, grading, and cancellations. All of us recognize that the COVID-19 pandemic demanded institutions enact emergency measures in March to protect the safety of students and staff. However, as college and universities shift their focus to planning for the 2020-21 academic year, it is imperative they follow widely accepted principles of collegial governance. Academic staff, through their participation in Senate or other academic governance bodies, must exercise the primary responsibility for decision-making on all academic matters, including curriculum, subject matter, and methods and modes of instruction.

In a number of cases, administrations have simply informed academic governance bodies of decisions that are rightly within the purview of those bodies. Any plan modifying academic policy and practice, even when temporary, should continue to require approval by the Senate or equivalent body. In no case should the administration use the current situation to by-pass collegial processes or assume final authority for academic decisions. Regular Senate meeting schedules should be maintained in virtual form, with special meetings called as necessary to deal with time-sensitive consultations, deliberation, and approvals.

CAUT has been working with a number of associations to uphold principles of collegial governance during the pandemic. We must ensure the COVID-19 pandemic does not become an excuse to circumvent collegial governance.

ACADEMIC FREEDOM

The undermining of collegial governance is an infringement on academic freedom. The concept of "intra-mural" academic freedom is well established in Canada and reflected in many collective agreements, as well as the CAUT Policy Statement on Academic Freedom:

Academic staff members are entitled to have representatives on and to participate in collegial governing bodies in accordance with their role in the fulfilment of the institution's academic and educational mission. Academic staff members shall constitute at least a majority on committees or collegial governing bodies responsible for academic matters including but not limited to curriculum, assessment procedures and standards, appointment, tenure and promotion.

Intra-mural academic freedom, in contrast to academic freedom in teaching and research, does not involve disciplinary expertise, but instead concerns the expression about the policies and actions of the institution and system. Weakening collegial governance therefore undermines intra-mural academic freedom.

In the current context, CAUT is also carefully monitoring the potential impact on academic freedom with the shift to remote teaching. Privacy issues arise as virtual platforms allow for the collection and storage of data that may be accessed without the knowledge of the instructor. Some platforms allow for lectures to be easily recorded and shared. This has implications for the intellectual property rights of academic staff, but also may facilitate on-line harassment when clips are distributed out of context. To be sure, recording is also an issue in traditional in-class instruction. Remote teaching platforms simply make it easier to record, distribute, and alter.

Prior to the COVID-19 pandemic, CAUT published the report of the ad hoc investigatory committee into the case of Prof. Derek Pyne at Thompson Rivers University (TRU). Professor Pyne claimed that

he was subjected to retaliation and discipline based on his research and his criticisms of his program and the University. In April 2017, he published an article exploring the use of so-called "predatory publishers" by faculty members and administrators in the School of Business and Economics at Thompson Rivers. He alleged he was subsequently targeted by the Administration in violation of his academic freedom.

In its report, the Committee found that TRU "appears to suffer a broad institutional weakness when it comes to understanding academic freedom." The Committee noted that the right of academics to criticize their administration and their institution is a widely recognized feature of academic freedom. However, the Committee found that there was a failure to understand academic freedom beyond a "narrow application to support faculty members' freedom to pursue what they expect to be fruitful avenues of research and publish their results." The Administration, the report concluded, violated Prof. Pyne's intramural academic freedom by in managing workplace complaints against him that failed to consider properly his right to criticize the School of Business and Economics, its administrators and its faculty.

Finally, CAUT has launched an ad hoc investigation into the Peter Wall Institute of Advanced Studies at UBC. Controversy arose in late 2018 when the Executive Director of the Institute announced his resignation, citing concerns about interference by the Board with academic planning. The Committee has completed its interviews and has prepared an initial draft report.

RESEARCH AND PUBLICATIONS

CAUT's research staff have provided important data and analysis to assist member associations in collective bargaining and advocacy. Regular publications include the annual Almanac of Post-Secondary Education in Canada.

The CAUT research team also regularly issues *Facts and Figures*. This publication reviews key economic indicators affecting collective bargaining. As well, it highlights recent settlements negotiated by CAUT academic staff associations.

In addition, CAUT produced three updated bargaining advisories over the past year:

- *Bargaining for Recognition of Digital Scholarship*
- *Bargaining for Indigenization of the Academy*
- *Outsourcing: Contracting Out and Contracting In*

The CAUT legal staff have launched a new Legal Update providing member associations with summaries of significant legal cases of relevance. The first issue focused on legal cases involving academic freedom.

MEMBERSHIP

CAUT has 82 academic staff association members, including three federated associations. Reported individual affiliated membership as of January stood at 56,076, an increase of just over 1,500 from the previous year. I expect that membership growth over the next year will slow, and perhaps decline, as a result of the impact of COVID-19.

STAFFING

As I reported last year, I have discussed with the Personnel Committee the need for CAUT to step up its capacity within bargaining and member services where I believe there is a need for more coordination and planning in order to ensure we can proactively assist member associations and build their capacity. The CAUT Personnel Committee has recommended a position of Director be created and is included in the 2020-21 proposed Budget to be considered by Council.

There have been several staff changes since my last report. Paul Jones, education officer, retired from CAUT after more than 20 years of service. Justine de Jaegher, former executive director of the Canadian Federation of Students was hired into the role beginning in January. Robert Johnson, policy analyst, also retired at the end of March after more than 10 years at CAUT. There is currently an active search for his replacement. Brian Macdonald, production coordinator, retired after working with us for nearly 18 years. After 12 years of service, Chantal Penteado, administrative assistant, left CAUT to join the Public Service Alliance of Canada. Finally, John Hollingsworth, research analyst, recently announced he would be leaving the end of June after 20 years of service.

CAUT management is currently conducting an organizational review of the office to ensure our structure and positions align with the priorities of member associations.

A FINAL NOTE

The past few months have been extraordinarily difficult times for all of us. I would like to sincerely thank the dedicated leaders and activists of our associations who have stepped up during this crisis to continue the fight for better working conditions and rights for our members, better learning conditions for students, and a more just and equitable society. I also want to express my gratitude to the many people who volunteer their time and energy to serve CAUT on its committees and working groups. Without your dedication and support, we simply could not do the important work that we do.