



# Minutes

## 254<sup>th</sup> Executive Committee Meeting

### February 7-8, 2020

#### Present

Brenda Austin-Smith, President (UMFA)  
Peter McInnis, Vice-President (ST.FXAUT)  
Yalla Sangaré, Treasurer (APPBUSA)

James Compton, Past President (UWOFA)  
David Newhouse, Representative-at-large (Aboriginal)(TUFA)  
Marc Schroeder, Representative-at-large (General)(MRFA)  
Robin Whitaker, Representative-at-large (General)(MUNFA)  
Laurence McFalls, Representative-at-large (Quebec)(SGPUM)  
Alison Hearn, Chair, Academic Freedom and Tenure Committee (UWOFA)  
Sue Blair, Chair, Collective Bargaining and Economic Benefits Committee (AUNBT)  
Sarika Bose, Chair, Contract Academic Staff Committee (UBCFA)  
Tim Ribaric, Chair, Librarians' and Archivists' Committee (BUFA)  
Momin Rahman, Co-Chair, Equity Committee (TUFA)  
David Newhouse, Representative-at-large (Aboriginal)(TUFA)  
Marc Schroeder, Representative-at-large (General)(MRFA)

David Robinson, Executive Director  
Tony Cantin, Director of Finance, Operations and Human Resources  
Pam Foster, Director of Research & Political Action  
Valérie Dufour, Director of Communications  
Margaret McGovern-Poté, Executive Assistant to the Executive Director

#### Regrets

Serge Jolicoeur, Representative-at-large (Francophone)(ABPPUM)  
Pat Armstrong, Co-Chair, Equity Committee (YUFA)



**Brenda Austin-Smith // PRESIDENT // PRÉSIDENTE // MANITOBA**

Peter McInnis // St. Francis Xavier

Yalla Sangaré // Sainte-Anne

James Compton // Western Ontario

Marc Schroeder // Mount Royal

Robin Whitaker // Memorial

David Newhouse // Trent

Serge Jolicoeur // Moncton

Laurence McFalls // Montréal

Alison Hearn // Western Ontario

Sue Blair // UNB

Sarika Bose // UBC

Tim Ribaric // Brock

Pat Armstrong // York

Momin Rahman // Trent

### **Opening Remarks and Territorial Acknowledgement**

The President welcomed members and acknowledged that the meeting is taking place on unceded Algonquin territory.

#### **01. Approval of Agenda**

**MCINNIS/RIBARIC: THAT** the agenda be approved as presented.

**CARRIED**

#### **02. Approval of Minutes**

- a. Executive Committee Meeting of November 26-27, 2019

It was noted that D. Newhouse and M. Schroeder were listed in the minutes as being present at the meeting and also under regrets, and that they should be removed from the list of those present at the meeting.

**COMPTON/WHITAKER: THAT** the minutes of the Executive Committee meeting of November 26-27, 2019 be approved, with the above noted amendment.

**CARRIED**

#### **03. Business Arising**

- a. Review of Action List

The action list was reviewed.

#### **04. Report of the President**

The President reported on meetings she attended since the last Executive Committee meeting of November 26-27, 2019. She highlighted the CAUT November Council meeting by noting there were some excellent panels and an opportunity for delegates to welcome Carlos Zambrano Escamilla's family who had just made their way to Canada to join him. CAUT has been providing assistance to Carlos, former president of the Sindicato de Profesores de la Fundación Universidad Autónoma de Colombia, who is seeking refugee status in Canada. She noted that the theme *Stronger Together* ran throughout the Council meeting, with the job action at the University of Northern British Columbia as the backdrop. The Council meeting also included a discussion of the CAUT Defence Fund and its relation with CAUT. She reported that she attended the Forum for Senior Grievance Officers on December 13-14 in Ottawa and the Forum for Presidents on January 18-19, also held in Ottawa. She noted that colleagues at Mount Allison are currently on strike and that there has been a call for flying and driving pickets.

#### **05. Report of the Executive Director**

The Executive Director reported on serious concerns with impending anti-union legislation in Alberta, which he will be addressing later on this agenda. Further, he noted concerns in Ontario with wage restraint legislation and the need to work with our member associations at the local and provincial levels to counter these threats. He highlighted some of the special events taking place at this Executive Committee meeting.

## 06. Political Action

### a. Government Relations

P. Foster, Director of Research and Political Action, reported on some of the items on the legislative agenda that are of interest, including:

- Canada-United States-Mexico Agreement – impacts on *Copyright Act*;
- Oversight body for Border Services ;
- United Nations Declaration on the Rights of Indigenous Peoples and the International Labour Organization Conventions; and,
- Private Members Bills on expanding compassionate care leave and a possible motion on the PSE Act.

She also reported that CAUT is following developments on a number of policy files including:

- Canada Student Loans and Grants – funding expected in Budget 2020;
- Open Government and Open Science – consultations in Spring;
- Université de l'Ontario français – federal funding expected;
- Task force to study post-secondary education in Canada's Arctic and northern regions; and,
- Funding to Social Sciences and Humanities Research Council for research grants on gender, diversity and race.

### i. First 100 days

P. Foster, Director of Research and Political Action discussed outreach plans with the new federal government. CAUT has prepared a roadmap report for the government, presenting concrete recommendations for federal actions that would strengthen post-secondary education in Canada. A copy of the report titled, *The Federal Opportunity: Strengthening our Knowledge Advantage for 2020 and Beyond*, was included in the meeting materials.

A copy of a *Hill Times* op-ed, titled *Indigenization as one path to reconciliation*, by Brenda Austin-Smith, CAUT President, and David Newhouse, Chair of the Aboriginal Post-Secondary Education Working Group, published upon the return of Parliament in January, was included in the meeting materials.

### ii. Constituency Week – March 2-6, 2020

P. Foster, Director of Research and Political Action, reported that Constituency Week would take place March 2-6, 2020, when Members of Parliament will return to their home ridings to meet with constituents and stakeholders. CAUT is looking to coordinate a national week of advocacy by arranging meetings between MPs and member association representatives. A memo highlighting Constituency Week, including a registration link, was included in the meeting materials.

b. Campaigns

i. For our Future

P. Foster, Director of Research and Political Action, highlighted new initiatives planned as part of CAUT's *For our Future* campaign which calls for a stronger federal partner for post-secondary education. Planned activities include outreach to MPs (online and on-the ground); a February 12<sup>th</sup> Social Media Day of Action for Contract Academic Staff; and more robust provincial monitoring of PSE funding and policies.

ii. Fair Dealing Week

P. Foster, Director of Research and Political Action, reported that Fair Dealing Week would take place February 24 -28. CAUT will ask members to take action online.

iii. Governance

P. Foster, Director of Research and Political Action, reported that we have received a request from the Association des professeurs et des professionnels de l'Université de Saint-Boniface to assist with a governance campaign.

iv. Climate Action

P. Foster, Director of Research and Political Action, reported that CAUT is developing a climate workshop to support interested member associations in bargaining for climate action. This project has received funding through the SSHRC-funded *Adapting Canadian Workplaces to Climate Change Action* research project. Larry Savage from Brock University is the academic advisor for CAUT. CAUT will develop the educational resources over the summer and work with interested associations beginning next fall. A copy of CAUT's project proposal was included in the meeting materials.

c. Equity

i. San Francisco Declaration on Research Assessment (DORA)

The November 2019 Executive Committee sub-committee on the San Francisco Declaration of Research Assessment (DORA), T. Ribaric, R. Whitaker, P. Armstrong, and D. Newhouse, reported that they had reviewed DORA and recommend that CAUT sign-on. It was also recommended that the Collective Bargaining and Economic Benefits Committee look at DORA to see how it could be used to improve collective agreement language on research assessment.

**COMPTON/BLAIR: THAT** CAUT endorse the San Francisco Declaration of Research Assessment.

**CARRIED**

## d. Civil Liberties

## i. Hassan Diab

P. Foster, Director of Research and Political Action reported that Hassan Diab is suing the federal government over the role that Canada played in his extradition and subsequent imprisonment in France. A CBC news article titled, *Hassan Diab and family suing federal government for \$90 million over failed terrorism probe*, by David Cochrane, posted January 13, 2020, was included in the meeting materials.

## ii. Mohamed Harkat

P. Foster reported that CAUT endorsed Amnesty International's call for the Government of Canada to not deport Mohamed Harkat to Algeria. A copy of the December 10, 2019 letter from Amnesty International to the Minister of Public Safety was included in the meeting materials for information.

## e. International Matters

## i. Solidarity Partnerships

## A. Palestinian Federation of Unions of University Professors and Employees

The Executive Director reported that the Palestinian Federation of Unions of University Professors and Employees is developing a new proposal for training supported by CAUT.

## B. University Teachers Association of Ghana

The Executive Director reported the University Teachers Association of Ghana are interested in organizing a study visit to Canada to learn about decentralized collective bargaining.

## C. College Lecturers' Association of Zimbabwe

The Executive Director reported on ongoing deteriorating economic conditions in Zimbabwe and the impact that it is having on academic staff in the country. He noted that the College Lecturers' Association of Zimbabwe held their Congress in December with some financial support from CAUT.

## D. Malaysian Academic Movement

The Executive Director reported that the Malaysian Academic Movement has approached CAUT for assistance to hold a regional forum on academic freedom and collegial governance. He will follow-up with them to request additional details, including a program outline and budget.

## E. Pakistan

The Executive Director raised concerns about ongoing human rights violations in Pakistan. Given the deteriorating situation, work with the Higher Commission of Pakistan has been suspended.

iii. Organization for Economic Co-operation and Development

The Executive Director reported on the OECD's working group on higher education.

iv. International Labour Organization

There was nothing new to report.

v. Education International

The Executive Director reported that the next Further and Higher Education Conference will take place in Mexico City from December 14<sup>th</sup> to 16<sup>th</sup>, 2020.

vi. Appeals and Campaigns

A. Pakistan

The Executive Director reported that CAUT issued a statement on January 2 calling on Pakistan authorities to release Junaid Hafeez, a 33-year-old lecturer at Bahauddin Zakariya University in Multan. After being targeted by an Islamist group for his 'liberal' teachings, Hafeez was charged with blasphemy over a series of Facebook postings. He was arrested in March 2013, and has been held in solitary confinement since June 2014. In December 2019, he was sentenced to death by a Pakistan court. A copy of the CAUT news article on the matter was included in the meeting materials.

B. India

The Executive Director reported that CAUT issued a statement on January 15 condemning the Indian government for violent police and government attacks at three of India's leading universities: Jamia Millia Islamia, Aligarh Muslim University (AMU) and Jawaharlal Nehru University (JNU). The teachers and students were protesting changes to citizenship laws and a proposal calling for national registration of all citizens in the country. A copy of the CAUT news article was included in the meeting materials.

C. Hong Kong

The Executive Director reported that CAUT issued a statement on November 18, condemning the Hong Kong authorities for police attacks against protesters at the Chinese University of Hong Kong (CUHK) and the Hong Kong Polytechnic University. A copy of the CAUT news article was included in the meeting materials.

D. Iran

The Executive Director reported that CAUT issued a statement on January 8 expressing condolences to the families, friends and loved ones of the 176 victims involved in the air crash in Iran. A copy of the CAUT news article was included in the meeting materials.

f. Ontario Bill 124, Protecting a Sustainable Public Sector for Future Generations Act

The Executive Director reported that a coalition of Ontario unions and employee associations is launching a Charter challenge to repeal Bill 124, *The Protecting a Sustainable Public Sector for Future Generations Act*. Bill 124 would allow the government to impose compensation caps on a broad cross-section of unionized and non-unionized workplaces in the province. He noted that OCUFA has agreed to join the Charter challenge. A summary of the new legislation, prepared by the firm Goldblatt Partners, was included in the meeting materials. He noted that wage restraint legislation is moving its way across the country, and that CAUT will need to find ways to counter these developments.

g. Alberta

The Executive Director reported on concerns with the government of Alberta's new performance-based post-secondary funding model.

h. New Brunswick

The Executive Director reported that the Federation of New Brunswick Faculty Associations (FNBFA) has prepared a position paper arguing against the implementation of performance-based funding for New Brunswick public universities. A copy of the FNBFA position paper was included in the meeting materials.

## 07. Membership Matters

a. Matters Arising from Council

The Executive Director provided a report on the follow-up from member resolutions from the November 2019 Council meeting.

i. UNBCFA

The Executive Director reported that CAUT issued a letter on January 14, 2020, to the Chair of the Board of Governors of the University of Northern British Columbia (UNBC) asking the UNBC Administration to agree to a joint workplace restoration and relationship enhancement process with the UNBCFA, and that if the Administration is not interested in pursuing this option, that CAUT will explore establishing an independent investigation. A copy of the CAUT letter on the matter was included in the meeting materials.

ii. University and College Union, United Kingdom

The Executive Director reported that CAUT sent an email to the UCU General Secretary, Jo Grady, to express support and solidarity with colleagues in the UK who were involved in strike action.

iii. ACIFA

The Executive Director reported that CAUT conveyed its solidarity with the Alberta Colleges and Institutes Faculties Association (ACIFA) and its members in their efforts to negotiate fair deals for their members who are bargaining in a

challenging climate of deep provincial funding cuts and under a new labour relations framework that now permits strike/lockout actions.

iv. Dr. Emily Eaton, University of Regina

The Executive Director reported that CAUT provided \$12,000 to Dr. Emily Eaton of the University of Regina to support her legal challenge to the University of Regina's decision not to follow the recommendation from Saskatchewan's Privacy and Information Commission to release information related to external research funding (public and private) for fossil fuel research projects. He noted that the funds were sent to Eaton's legal counsel in trust.

v. Ontario Government Freedom of Speech Policies

The Executive Director reported that a motion was passed at the November 2019 Council meeting asking CAUT to develop a Bulletin and draft model language on freedom of expression that addresses the issue of institutional security concerns and costs and ensures that access to free expression on college and university campuses does not depend on one's ability to pay. He advised that he has referred the matter to the Academic Freedom and Tenure Committee for discussion at their March 2020 meeting.

vi. Bolivia

The Executive Director reported that CAUT issued a letter on January 6, 2020, to the Minister of Foreign Affairs expressing grave concerns with the Canadian government's refusal to oppose the November 2019 coup in Bolivia and its endorsement of the interim unelected Anaz government, and asking the Canadian government to work to seek a peaceful resolution of the crisis. A copy of the CAUT letter on the matter was included in the meeting materials.

vii. Survey of University Counselling Centres

The Executive Director reported that at the November 2019 Council meeting a resolution was passed asking CAUT to initiate a survey of University Counselling Centres across the country to determine past and current issues facing Counselling Faculty Members, including but not limited to academic freedom concerns and workload issues. He advised that the matter is being followed-up by CAUT's Research and Political Action Department.

viii. Chile

The Executive Director reported that CAUT issued a letter on January 3, 2020, to the President of the Republic of Chile expressing serious concerns with the Chilean government's measures in response to public protests in Chile and asking the Chilean government to work to seek a peaceful resolution of the crisis. A copy of the CAUT letter on the matter was included in the meeting materials.

ix. CAUT Defence Fund

The Executive Director reported that at the November 2019 Council meeting a resolution was passed directing the CAUT Executive Director to conduct an



investigation on the respective powers of the governing bodies of CAUT and the Defence Fund, and that he report back at an upcoming Council meeting on the connections between these two governing bodies. He advised that he would be attending a Defence Fund Planning and Policy Committee meeting on February 18. He has also consulted outside legal counsel to provide advice on the matter.

x. Alberta

The Executive Director reported that CAUT issued a letter on January 23, 2020, to the Premier of Alberta, expressing strong opposition to the deep funding cuts to post-secondary education in Alberta. A copy of the CAUT letter on the matter was included in the meeting materials.

xi. Appointment Process at Université de Montréal

The Executive Director reported that CAUT issued a letter on December 12, 2019, to the Chair of the Board of Governors of the Université de Montréal (UdeM), denouncing the new appointment process for the recruitment of a new rector and recommending that the academic community have an opportunity to participate in an open process. A copy of the CAUT letter on the matter was included in the meeting materials.

## 08. Committee and Working Group Reports

a. Standing Committee Reports

i. Academic Freedom and Tenure

A. Hearn, Chair of the Academic Freedom and Tenure Committee, reported on the work of the Committee. She advised that the Committee is working on developing a new academic freedom workshop, noting that CAUT's new Education Officer will assist with its development during their upcoming Committee meeting in March. The Committee continues to monitor academic freedom cases and investigations that are in process.

ii. Collective Bargaining and Economic Benefits

S. Blair, Chair of the Collective Bargaining and Economic Benefits Committee, reported on the work of the Committee. The Committee is currently finalizing the agenda for the Forum for Chief Negotiators scheduled for March 20-21. The Committee will hold its regular meeting in advance of the Forum. She noted that the Committee is keen to develop a mobilizing and organizing model that will be manifested in the work of the Committee. They will be holding a conference call in the next few weeks.

The Executive Director raised the issue of CAUT's practice of referring model clause reviews to Council and whether it may be useful to look at a different approach. The Chair advised that the Committee discussed this issue at their last meeting. For the Committee the issue was what they would do instead of this work. One idea was for the Committee to do more analysis on collective bargaining trends and issues, and align their work to support the work of the collective bargaining staff.

## iii. Contract Academic Staff

S. Bose, Chair of the Contract Academic Staff Committee, reported on the work of the Committee. She reported that the Committee held a conference call January 28 to work on preliminary planning for the Contract Academic Staff Conference scheduled for October 2-3, 2020, in Ottawa. The Committee discussed possible presentation and workshop ideas, opportunities for contributions by Committee members, and possible themes. She encouraged the Executive Committee members to promote participation in the February 12<sup>th</sup> day of action for Contract Academic Staff.

## A. CAS Conference

S. Bose reported that a draft budget of the October 2020 Contract Academic Staff Conference was included in the meeting materials for consideration by the Executive Committee.

**BOSE/SCHROEDER: THAT** the Executive Committee approve the draft budget for the Contract Academic Staff Conference 2020, as presented.

**CARRIED**

## iv. Equity

M. Rahman, Co-Chair of the Equity Committee, reported on the work of the Committee. The Committee held a conference call on January 24. He provided a status update on the Equity tool-kit, noting that they are working on editing the draft content with assistance from the Communications Department and hope to have the tool-kit launched for the Spring Council. The Committee will hold its regular meeting in advance of the conference and will be reviewing a new draft policy statement on age discrimination.

## A. Equity Conference

M. Rahman reported on the Equity Conference scheduled for February 21-22 in Ottawa. A copy of the Equity Conference agenda was included in the meeting materials.

## v. Librarians' and Archivists'

T. Ribaric, Chair of the Librarians' and Archivists' Committee, reported on the work of the Committee. The Committee held a conference call on January 9. They are preparing for their upcoming meeting scheduled for March and will hold a joint meeting with the Francophones' Committee to complete work on two joint policy statements that are in process. He noted that the Committee drafted a response letter to the Canadian Association of Research Libraries' (CARL) to provide feedback on a draft revision of its 'Core Competencies' publication.

b. Committees of the Executive Reports

i. Francophones'

As S. Jolicoeur, Chair of the Francophones' Committee, was absent, V. Dufour, Director of Communications and Professional Officer of the Committee, reported that the Committee held a conference call on December 9. They have begun preliminary preparations for the Francophones' conference to be held in 2021.

ii. Clinical Faculty

The Executive Director reported that the Clinical Faculty Committee meets annually in August. They have established a sub-committee to look at academic freedom protections and the issue of whistleblowing as it pertains to clinical faculty.

iii. College and Institute Academic Staff

The Executive Director reported that the new College and Institute Academic Staff Committee held its inaugural meeting last August. The Committee is reviewing some policies specific to the college and institute sector. They will hold their next meeting next August.

c. Working Group Reports

i. Aboriginal Post-Secondary Education Working Group

D. Newhouse, Chair of the Aboriginal Post-Secondary Education Working Group, reported on the work of the Working Group. He noted that the Working Group assisted in drafting a revised *Bargaining Advisory for Indigenization of the Academy*, which was released in January. The Working Group is beginning preliminary preparations for the next Aboriginal conference scheduled for October 1-2, 2021. He noted that after five years of Indigenization in the post-secondary sector, there is a need to provide some framework and guidance for academic staff associations to work through the complexities of this issue and better support Aboriginal academic staff members in this process. He highlighted some of the findings from a survey conducted for the Joint Working Group of the Ontario Council of Academic Vice Presidents (OCAV) and the Reference Group on Aboriginal Education (RGAE).

ii. Working Group on Governance

R. Whitaker and M. Schroeder, members of the Ad Hoc Working Group on Governance, provided an update on the work of the group. They held a conference call in January focusing on the issue of open vs closed searches for senior administrators. They also held a presentation on open/closed searches at the Forum for Presidents in January. They are developing a new policy statement on open/closed searches which will be addressed later in this meeting agenda. They are in the process of reviewing collective agreement language to identify good language on governance and are interested in developing a governance tool-kit. Members of the Working Group have scheduled a meeting to take place during this Executive Committee meeting.

**09. Organizational Matters****a. ORDER OF THE DAY (Friday, February 7, 1:30 pm)  
Financial Matters****i. Quarterly Report – ending December 31, 2019**

T. Cantin, Director of Finance, Human Resources and Operations, presented the financial report ending December 31, 2019.

**iii. Release Time Requests**

T. Cantin, Director of Finance, Human Resources and Operations, reviewed the release time requests that have been received to-date.

**iv. Draft 2020-21 Budget**

T. Cantin, Director of Finance, Human Resources and Operations, presented the Draft 2020-21 Budget. He reported that due to the suspension and subsequent reinstatement of the University and College Academic Staff System Survey, application of the CAUT mil rate formula would result in a large dues increase in the coming year. He presented several fee scenarios for the Executive Committee to consider during its deliberations on the proposed budget, including a gradual phase-in to the 1.5 mil rate formula. The Executive Committee expressed support for gradually returning to the mil rate over four years: 1.425 in 2020/21; 1.45 in 2021/22, 1.475 in 2022/23, and 1.5 in 2023/24.

**BLAIR/RAHMAN: THAT** the Executive Committee recommend to Council adoption of the 2020-2021 draft budget with a mil rate of 1.425 in the next fiscal year and a gradual phase-in to the 1.5 mil rate by 2023/24.

**CARRIED****b. Financial Requests****i. CCPA Trade and Investment Research Project**

The Executive Committee considered a financial request received from the Canadian Centre for Policy Alternatives (CCPA) for its Trade and Investment Research Project (TIRP).

**WHITAKER/BOSE: THAT** the Executive Committee recommends that CAUT contribute \$4,000 to the Canadian Centre for Policy Alternatives' Trade and Investment Research Project (TIRP).

**CARRIED****ii. Alberta Federation of Labour**

The Executive Committee considered a financial request received from the Alberta Federation of Labour to counter new anticipated anti-union legislation by the United Conservative Party (UCP) of Alberta. A copy of a news article, *Should union membership be optional?* - Albertaviews: The magazine for engaged citizens,

J. Mortimer and G. McGowan. January 1, 2020 - was included in the meeting materials.

**SCHROEDER/RAHMAN: THAT** the Executive Committee recommends that CAUT contribute \$10,000 to the Alberta Federation of Labour.

**CARRIED**

c. Report of the Executive Director on Academic Freedom

i. Issues

A. Mandatory Diversity Statements

The Executive Director raised the issue of mandatory equity and diversity statements which have been adopted by some post-secondary institutions. He advised that CAUT will need to provide guidance to member associations on this issue and recommended that the Academic Freedom and Tenure Committee and the Equity Committee add this matter for discussion at their meetings. Information in the meeting materials included: (1) Inside Higher Education article, *Mathematician comes out against mandatory diversity statements, while others say they continue to be useful – with some caveats*, C. Flaherty, November 19, 2019; and (2) job posting from UBC Okanagan.

B. Academic Freedom and Freedom of Expression

The Executive Director reported that the principle of extramural academic freedom allows academic staff to exercise their freedom of expression without suffering institutional censorship or reprisal. He noted that language in our member's collective agreements varies quite significantly: in some cases we see a very broad definition while in others a very constrained definition. He recommended that CAUT provide guidance for members on this issue. Information in the meeting materials included: (1) Vancouver Sun article, *UBC event cancelled, debate continues about free expression on campus*, J. Saltman, January 2, 2020; and (2) CBC Saskatchewan article, *Case of killer's poetry ignites conversation about Indigenization and academic freedom*, B. Allen and A. Bridges, January 4, 2020

C. Confucius Institutes

The Executive Director reported that he has raised the issue of the Confucius Institutes at previous Executive Committee meetings. He noted that there have been no new Confucius Institutes established in Canada since 2012. The Executive Director recommended that this issue be added for discussion at the next Academic Freedom and Tenure Committee meeting. Information in the meeting materials included: (1) Inside Higher Ed article, *Missouri closes Confucius Institute after running afoul of visa rules*, E. Redden, January 21, 2020; and (2) Academia Argument article, *Chinese Propaganda Has No Place on Campus*, A. Fulda, October 15, 2019; and (3) Inside Higher Ed article, *Prosecution in China of student for tweets he posted while studying in U.S. raise free speech concerns*, E. Redden, January 31, 2020.

---

iii. Investigations

A. Potter (McGill)

The Executive Director reported on the Andrew Potter (McGill University) investigation. A CAUT Ad Hoc Investigatory Committee report concluded that there were serious violations of academic freedom and recommended that the McGill Administration adopt a policy statement on academic freedom for academic administrators. He reported that the MAUT and McGill Administration are working on proposals to include academic freedom into the regulations on employment and the new regulations on discipline and grievances. They have also proposed a Senate Committee on Academic Freedom that will be empowered to review cases. CAUT continues to monitor developments.

B. Pyne (Thompson Rivers)

The Executive Director provided an update on the Derek Pyne (Thompson Rivers University) investigation. The Ad Hoc Investigatory Committee report concluded that Pyne's intra-mural academic freedom was breached; and that TRU appears to suffer a broad institutional weakness when it comes to understanding academic freedom. Following publication of the report, TRUFA expressed some concern with some of the report's findings. CAUT is in discussion with the association on the matter.

C. Peter Wall Institute for Advanced Studies (UBC)

The Executive Director provided an update on the Peter Wall Institute (University of Northern British Columbia) investigation. CAUT established an Ad Hoc Investigatory Committee (AHIC) to study the circumstances surrounding the resignation of the director of the research institute. The AHIC has completed its site visit and is preparing its report.

iii. Cases

A. Maritime College of Forest Technology

The Executive Director provided an update on the Maritime College of Forest Technology case. The case involves the dismissal of biologist Rod Cumberland, active critic of the use of glyphosate by the New Brunswick forest industry. The former Executive Director was also 'dismissed' for allegedly disclosing confidential information. Cumberland filed a wrongful dismissal suit on November 20, 2019.

B. Macdonald (Alberta)

The Executive Director reported on the case of Dougal MacDonald, a sessional instructor working at the University of Alberta who claimed on-line that the Holodomor did not occur. There have been calls for his dismissal. The University has said the professor made his comments as a private citizen, and that his views did not represent those of the University.

d. Legal Report

i. Litigation

A. York University/Access Copyright

The Executive Director provided an update on the York University v. Access Copyright case. He noted that on July 12, 2017, Federal Court Judge Michael Phelan ruled against the fair dealing approach by York University and concluded that an interim tariff is mandatory and enforceable against the University. The Federal Court of Appeal hearing was held in March, 2019. A decision in the case is still pending.

ii. Arbitration Awards

A. Pratt v. University of Alberta

The Executive Director reported on an arbitration award in the case of Pratt v. University of Alberta. The issue at play was the 'Duty to inquire'. The Alberta Human Rights Tribunal found that the University of Alberta discriminated against a probationary employee when it failed to inquire as to whether she was suffering a disability in the context of work performance issues once the employee raised her disability in a pre-termination meeting with her supervisor. Of significance in this decision is that the Employer cannot ignore signs pointing to a disabling condition.

B. The Union of Northern Workers v. The Government of the Northwest Territories

The Executive Director reported on an arbitration award in the case of The Union of Northern Workers v. The Government of the Northwest Territories. This case highlighted the duty to inquire in cases where a disability is suspected and accommodation required.

iii. Courts and Tribunals

A. UAlberta Pro-Life v. Governors of the University of Alberta

The Executive Director reported on a decision in UAlberta Pro-Life v. Governors of the University of Alberta. An anti-abortion group alleged violation of free expression over failure to enforce policy on student conduct (counter-demonstrators) and unreasonable security costs. The appeal was upheld in part over security costs. The case is significant in that it applies the Charter to a university.

B. Haghir v. University Appeal Board (Saskatchewan)

The Executive Director reported on an arbitration decision in Haghir v. University Appeal Board (Saskatchewan). A clinical faculty member was suspended for shoplifting in the university bookstore. The arbitrator ruled that the College of Medicine failed to meet its duty to inquire into an accommodation for the Appellant given the evidence of a mental health disorder. The case

demonstrated that the College failed to meet its duty to inquire into an accommodation for the Appellant given the evidence of a mental health disorder.

e. Collective Bargaining Report

A written report on collective bargaining was included in the meeting materials.

f. Education Report

The Executive Director reported that CAUT is planning a two-day organizing and bargaining workshop for Alberta academic staff associations to be held in late February or March. CAUT is sponsoring several participants from associations across Canada to attend a five-day labour arbitration skills course offered by the Queen's University Industrial Relations Centre. He noted that CAUT has hired a new Education Officer who will be working towards bolstering the train-the-trainer program.

g. Health & Safety Report

A written report on CAUT's work on health and safety issues was included in the meeting materials.

h. Organizing Report

The Executive Director reported on current organizing activities.

i. Communications Report

V. Dufour, Director of Communications, reported that the Costing Collective Bargaining Proposals manual prepared by Robert Hickey is in the process of being finalized for layout and for online publication. She noted that a video was made to promote the use of the costing manual. The Communications Department is also considering preparing a manual for new association presidents. They are also in the process of conducting a review of the members-only section of the CAUT website.

j. Publications

i. Report of Bulletin Editorial Board

P. McInnis, Chair of the Bulletin Editorial Board, reported on a meeting of the Board. He advised that the *Bulletin* is currently issued 8 times per year. He noted that most of the revenue generated by the *Bulletin* is from online advertising. The editorial board considered making changes to the quality of paper used for production of the publication, but have decided to focus any additional investment on content development.

ii. CAUT On-line Journal

P. McInnis reported that they have received three submissions to the new open source CAUT On-line Journal. The journal's editorial board is considering developing a style sheet and style guide.



## k. New Associate Members

The Executive Director reviewed the list of new associate members.

## l. Membership on Standing Committees

**Academic Freedom and Tenure Committee**

**MCINNIS/SANGARÉ: THAT** the list of new committee members to fill vacancies on the Academic Freedom and Tenure Committee be recommended to Council for ratification.

**CARRIED**

**Collective Bargaining and Economic Benefits Committee**

**SCHROEDER/NEWHOUSE: THAT** the list of new committee members to fill vacancies on the Collective Bargaining and Economic Benefits Committee be recommended to Council for ratification.

**CARRIED**

**Equity Committee**

**BOSE/WHITAKER: THAT** the list of new committee members to fill vacancies on the Equity Committee be recommended to Council for ratification.

**CARRIED**

**Librarians' and Archivists' Committee**

**RIBARIC/WHITAKER: THAT** the list of new committee members to fill vacancies on the Librarians' and Archivists' Committee be recommended to Council for ratification.

**CARRIED**

**Contract Academic Staff Committee**

There were no vacancies to fill for this committee.

## m. Bernice Schrank Award

R. Whitaker, Representative-at-Large, recused herself from the discussion.

**SANGARÉ/MCINNIS: THAT** The Executive Committee recommends to Council that Jeannette Gaudet of St. Thomas University be awarded the Bernice Schrank Award.

**CARRIED**

## 10. CAUT Policy

### a. Policy Statements

#### i. PS Renewal of Academic Staff

**RAHMAN/NEWHOUSE: THAT** the Executive Committee recommends that the revised Policy Statement on Renewal of Academic Staff be approved with the following changes and sent to Council for consideration:

- That the words 'the university' be struck from the first sentence of Clause 1;
- That the new Clause 3 be amended as follows: '... that the complement of ~~continuing~~ **regular** academic staff sufficient ...';

**CARRIED**

#### ii. PS on Academic Administrative Searches

**MCINNIS/SCHROEDER: THAT** the Executive Committee recommends that the new Policy Statement on Academic Administrative Searches be approved and sent to Council for consideration.

**CARRIED**  
**3 Abstentions**

### b. Model Clauses

#### i. MC on Openness and Transparency

**MCINNIS/BLAIR: THAT** the Executive Committee recommends that the revised Model Clause on Openness and Transparency be approved with the following changes and sent to Council for consideration:

- That the title of Clause 3.1 be amended as follows: '~~Support Staff and Administrator~~ **Non-Faculty Academic Staff Association** Staff Salary Data'.
- That bullet 'b' under clause 3.1 be modified as follows: 'the salaries of all ~~support~~ **non-academic** staff faculty **association** staff employees reported...'

**CARRIED**

### c. Administrative Procedures and Guidelines

#### i. Policy on Reimbursement of Delegates' Expenses for Council

**WHITAKER/NEWHOUSE: THAT** the Executive Committee recommends that the revised Policy on Reimbursement of Delegates' Expenses for Council be approved with the following amendment and sent to Council for consideration:

- That the following paragraph be added to the preamble of the Policy: '**In an effort to reduce carbon emissions that contribute to climate change, delegates should request direct flights and flights on fuel-efficient planes whenever possible. Delegates travelling within 300**

**kilometers of Ottawa are encouraged to use available rail, bus, public transportation, or carpooling options’.**

**CARRIED**

- ii. Policy on Reimbursement of Expenses for Members of CAUT Committees

**RIBARIC/MCFALLS: THAT** the Executive Committee recommends that the revised Policy on Reimbursement of Expenses for Members of CAUT Committees be approved with the following amendment and sent to Council for consideration:

- That the following paragraph be added to the preamble of the Policy: **‘In an effort to reduce carbon emissions that contribute to climate change, delegates should request direct flights and flights on fuel-efficient planes whenever possible. Delegates travelling within 300 kilometers of Ottawa are encouraged to use available rail, bus, public transportation, or carpooling options’.**

**CARRIED**

- iii. Policy on Reimbursement of Participants’ Expenses for CAUT Workshops

**WHITAKER/NEWHOUSE: THAT** the Executive Committee recommends that the revised Policy on Reimbursement of Participants’ Expenses for CAUT Workshops be approved with the following amendment and sent to Council for consideration:

- That the following paragraph be added to the preamble of the Policy: **‘In an effort to reduce carbon emissions that contribute to climate change, delegates should request direct flights and flights on fuel-efficient planes whenever possible. Delegates travelling within 300 kilometers of Ottawa are encouraged to use available rail, bus, public transportation, or carpooling options’.**

**CARRIED**

## **11. ORDER OF THE DAY (Saturday, February 8, 11:30 am) Staff Matters**

- a. Report of the Personnel Committee

J. Compton, Chair of the Personnel Committee, provided a report on a meeting of the Personnel Committee. One member of management staff remains on leave. Chantal Pentead, administrative assistant, has resigned to take on a position with the Public Service Alliance of Canada - her final day was February 6. One staff member has returned from a leave. The new Education Officer, Justine De Jaegher started in her position on January 20. Another employee, Melissa Bendig, has been hired on a short-term contract in the position of Professional Officer to cover a maternity leave.

He reported on plans to post for a new management position as Director of Organizing and Collective Bargaining. There are no active grievances.

- b. Staff and Related Administrative Issues

**IN CAMERA**

- c. Management Relations

**BLAIR/RAHMAN: THAT** the meeting move in-camera.

**CARRIED**

**COMPTON/SCHROEDER: THAT** the meeting move ex-camera.

**CARRIED**

**12. Meetings, Conferences and Related Organizations**

- a. Meetings Attended

- i. Forum for Senior Grievance Officers, December 13-14, Ottawa

This item was previously reported under *Executive Committee item 04. Report of the President.*

- ii. Forum for Presidents, January 18-19, Ottawa

This item was previously reported under *Executive Committee item 04. Report of the President.*

- b. Upcoming Meetings and Conferences

- i. Equity Conference, February 21-22, Ottawa

The Executive Director reported that the Equity Conference would take place in Ottawa, February 21-22. The Equity Committee will hold its regular meeting on February 20 in conjunction with the Equity Conference.

- ii. Committee Meetings, March 6-7, Ottawa

The Executive Director reported that the CAUT Committee meetings are scheduled for March 6-7 in Ottawa.

- iii. Collective Bargaining and Economic Benefits Committee, March 19, Ottawa

The Executive Director reported that the Collective Bargaining and Economic Benefits Committee meeting would be held in Ottawa, March 19, in conjunction with the Forum for Chief Negotiators.

- iv. Forum for Chief Negotiators, March 20-21, Ottawa

The Executive Director reported that the Forum for Chief Negotiators would be held in Ottawa, March 20-21.

c. Related Organizations

i. Harry Crowe Foundation

There was nothing new to report.

ii. NUCAUT

The Executive Director reported that the Triennial Convention of NUCAUT will be held in Vancouver on Sunday, May 3, 2020. The Convention will be held immediately prior to the Canadian Labour Congress (CLC) Convention scheduled for May 4-7. The notice of the Convention, draft agenda, credential forms, and nomination form for positions on the NUCAUT National Executive Board (NEB) were circulated to NUCAUT members on January 31.

iii. J.H. Stewart Reid Trust

T. Cantin, Director of Finance, Human Resources and Operations, reported that the J. H. Stewart Reid Memorial Fellowship Trust provides a minimum scholarship of \$5,000 awarded annually to a student registered in a doctoral program at a Canadian university. Applications are currently being received for the 2020-21 academic year. The deadline for proposal submissions is April 30.

iv. Defence Fund

This item was previously discussed under *Executive Committee Item 07. (a)(ix) Membership Matters – CAUT Defence Fund.*

**13. Other Business**

There were no additional items to be addressed.

**14. Review of Meeting**

The meeting was reviewed.

**15. Items for Information**

The Executive Director highlighted two news articles included in the meeting materials: (1) a November 6, 2019 Chronicle of Higher Education article titled, *A Professor's Year Teaching in Saudi Arabia Was a Nightmare: Should an American College Have Stepped In?*, by Michael Vasquez; and (2) a January 28, 2020 Chronicle of Higher Education article titled, *Welcome to the Sponsored Campus*, by Francie Diep.