



Report of the Executive Director

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CAUT and its member associations continue to face a number of critical challenges. Government support for post-secondary education is falling in most provinces. Hostile provincial governments are affecting, and often directing, concessionary demands at the bargaining table. The casualization of academic work continues to rise, while pressures on academic freedom and collegial governance intensify.

In this context, it is critical that CAUT continue to provide political leadership at the national level, and strengthen and focus its support for member associations at the local level.

Member services and education

One of the key priorities over the last year for CAUT has been to strengthen the capacity of member associations through education. We provided on-site training for members in collective bargaining, grievance handling, communications, membership engagement, and equity. In order to expand our education offerings and involve members with experience and expertise, we have also implemented a facilitator-training program. Beginning with the equity and collective bargaining workshops, we are recruiting and training volunteers to deliver courses to ensure that more workshops can be offered in a timely fashion.

In addition, CAUT organized educational forums for presidents and new presidents of associations, chief negotiators, new activists, and senior grievance officers. In October, we held an extraordinarily successful conference on Indigenization that drew a record 160 participants. The event focussed on challenges facing Indigenous academic staff, and what role associations and CAUT might play in promoting Indigenization of the academy.

CAUT has also provided critical bargaining advice and assistance to member associations over the past year. Associations at Western, Mount Saint Vincent, Memorial, Saint Mary's, UOIT, and Regina obtained agreements only after setting and running up against strike deadlines. The key lesson



here is that associations need to be prepared to fully engage and organize their members during negotiations.

The Faculty Union of the Nova Scotia College of Art and Design took to the picket lines on March 1 after talks broke down with the administration. After an 11-day strike, both parties agreed to mediation/arbitration to resolve their differences. Key issues that remain to be resolved include workload, longer contracts for CAS, dedicated research time for Librarians, and salaries. While the bargaining climate generally remains difficult, associations have managed to make some important gains. The faculty association at Memorial won significant improvements to equity provisions in their collective agreement, including stronger language on diversity, non-discrimination, and accommodation, as well as a Letter of Understanding on the recruitment and retention of Indigenous academic staff. The Osgoode Hall Faculty Association secured a commitment from the administration to undertake a review of academic staff salaries with the goal of addressing disparities for women, members of racialized groups, and Indigenous members. The Dalhousie Faculty Association negotiated an expanded definition of designated groups to include persons protected on the basis of sexual orientation, gender identity and gender expression. As well, their collective agreement broadens the definition of scholarship so that review and assessment recognizes non-traditional and Indigenous forms of scholarship and knowledge. Finally, the York University Faculty Association bargained a 25% hiring threshold for visible minorities. In addition, a committee will be formed to make recommendations to increase the representation of Black faculty, and a new program for the recruitment of Indigenous faculty will be established.

Several associations also made important gains for Contract Academic Staff. The University of Calgary Faculty Association negotiated an extension of paid sick leave to all sessional instructors beyond those with appointments of 6 months or longer. The agreement also improves the right of first course refusal. At First Nations University, the University of Regina Faculty Association won improved job security for term appointments. After 9 months, a limited-term member can be terminated only for cause, and term appointments must be made permanent after 30 consecutive months.

In addition to providing training and advice to associations during bargaining, CAUT also produced the following resources over the past year:

- *Advisory on Respectful Workplace Policies*
- *Briefing Note on EI Parental Sharing Benefit*
- *Handbook on Negotiating Starting Salaries* (updated and revised)
- *Bargaining Advisory on Bargaining Parity for Librarians and Archivists*
- *Bargaining Advisory on Market Differentials and Supplements*
- *Legal Advisory on Responding to Requests for Members' Medical Information*

Academic freedom

Defending academic freedom remains a core focus for CAUT. Academic freedom is the foundational value of our profession and of our universities and colleges. It comprises four key aspects:

- freedom of teaching;
- freedom of research and publication;
- freedom of intra-mural speech to express one's view of the educational institution and system in which one works; and,
- freedom of extra-mural speech to exercise one's rights as a citizen without institutional sanction.

Controversies about academic freedom and free speech continued over the past year. In January, the province of Ontario became the first jurisdiction in Canada to introduce so-called "free speech" requirements for universities and colleges. The province has mandated that the province's universities and colleges must adopt "free speech" policies based on the Chicago principles. Institutions that fail to enact and enforce the policies could face funding reductions. The Leader of the Conservative Party of Canada, Andrew Scheer, has pledged to bring in similar requirements for all universities and colleges across the country if he forms government after the next election. In the United States, President Trump recently signed an executive order on campus free speech that threatens to withhold federal research funding to institutions that do not protect free expression.

These requirements represent an unprecedented interference with institutional autonomy. CAUT has long advocated that campuses must be sites where there is a free and open exchange of ideas. However, universities and colleges should set their own policies, not politicians. Institutional autonomy – including the freedom from government diktat – is itself necessary to protect free expression and academic freedom.

Beyond this, the belief that free expression is being squelched on campuses is grossly exaggerated and masks a thinly veiled political agenda. The difficult conversations about free speech on campus today are about reconciling unhindered debate with the need to ensure that all voices can be heard without facing discrimination and harassment. This can be a very difficult terrain to navigate, but punitive measures such as those proposed by the Ford government in Ontario will create a more litigious and polarizing environment, making it more difficult to find solutions.

In November, CAUT released a report to the Academic Freedom and Tenure Committee on the case involving Andrew Potter, Director of the McGill Institute for the Study of Canada (MISC) at McGill University. Professor Potter found himself at the centre of controversy in March, 2017 after writing a blog post for Maclean's Magazine in which he suggested the response to a snow storm in Montreal was reflective of a "pathologically alienated and low-trust society" in Quebec. He later resigned his position as director of the MISC.

The central academic freedom issue in the Potter case arose from the McGill administration's claim that academic administrators do not enjoy the same protections as academics without administrative positions. The author of the report, Professor Mark Gabbert of the University of Manitoba, found no conclusive evidence that the McGill administration put pressure on Professor Potter to resign as Director of the MISC, but did conclude such pressure would not have been inconsistent with the University's belief in the conditional academic freedom of academic administrators. The report recommends that the University develop policy to give full protection of academic freedom to academic administrators. In the absence of this, Professor Gabbert recommends that CAUT Council consider censure. To date, the University has not officially responded to the report or its recommendations.

A CAUT ad hoc committee has been investigating the complex case of Professor Rick Mehta at Acadia University. The University dismissed Professor Mehta in August following an external investigation examining a number of allegations, including that he introduced topics in his lectures that are not relevant to the course, that he used class time to discuss his own political views, and that he engaged in harassing behaviour through inappropriate and offensive comments on social media. The case raises a number of issues, including important questions about the exercise of academic freedom, and its limits, in teaching and in intra-mural and extra-mural speech. In addition to the investigation, CAUT is providing legal assistance to the Acadia University Faculty Association in its grievance over Professor Mehta's dismissal.

In September, CAUT established an ad hoc investigatory committee to examine allegations of academic freedom violations raised by Professor Derek Pyne at Thompson Rivers University. Professor Pyne claims that he was subjected to retaliation and discipline based on his research and his criticisms of his program and the University. In April 2017, Professor Pyne 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 alleges he was subsequently targeted by the Administration in violation of his academic freedom. Dr. Mark Mac Lean (Mathematics) of the University of British Columbia and Carla Graebner (Librarian for Data Services and Government Information) of Simon Fraser University constitute the investigatory committee.

While we continue to investigate individual cases of alleged violations, it is nevertheless important to remind ourselves of the broader systemic threats to academic freedom. These threats include rising managerialism, weakening collegial governance, and increasing commercial pressures arising from under-funding. Additionally, the growing use of precariously employed academic staff threatens academic freedom. While all academic staff have the right to academic freedom, it is difficult for colleagues employed on precarious contracts to exercise that right without recrimination. Without tenure or job security, Contract Academic Staff remain extremely vulnerable. Finally, academic staff from equity-seeking groups and Indigenous staff continue to face unacceptable constraints on their academic freedom as a result of on-going systemic discrimination.

Political action and campaigns

The Liberal government delivered its fourth budget on March 19, 2019. Budget 2019 brought some welcome new investments for students; however, it did not address other key challenges facing Canada's colleges and universities arising out of stagnant government funding.

The Budget provides a number of initiatives aimed at making post-secondary education more affordable by providing just under \$1 billion per year for five years for training for working adults, Indigenous students, and student loan recipients. Additional measures are provided for those with disabilities, and graduate students. Following last year's historic investments in basic research, there are no new commitments to Tri-Council base funding even though current funding levels hover around just 60% of that recommended by the government's Advisory Panel on Fundamental Research.

With a federal election scheduled for October, CAUT will soon be launching a campaign to make the case for stronger federal leadership on post-secondary education funding this election. While the Liberal government has made badly needed investments in basic research, student affordability, and Indigenous education, much more needs to be done. The last top-up in federal transfer payments to assist the provinces with providing core funding for colleges and universities last occurred in 2007.

The casualization of academic work also remained a key political focus of our work last year. CAUT's Fair Employment Week was held from October 22-26, 2018. The campaign was preceded by the release of a national survey of Contract Academic Staff undertaken by Professor Karen Foster of Dalhousie University and CAUT's research officer Louise Birdsell-Bauer. This was the first national survey of Contract Academic Staff, and included the following key findings:

- Over half (53%) of respondents want a tenure-track university or full-time, permanent college job. This is the case even for contract academic staff who have been teaching for 16-20 years.
- Only 25% said they do *not* want a tenure-track or permanent, full-time academic appointment. The remainder are unsure.

- Women and racialized CAS work more hours per course, per week than their colleagues and are more likely to be in low-income households.
- Two-thirds of respondents said their mental health has been negatively impacted by the contingent nature of their employment, and just 19% think the institutions where they work are model employers and supporters of good jobs.

CAUT's Fair Copyright Campaign was rolled out over the past year in conjunction with the Parliamentary review of the *Copyright Act*. In addition to making written submissions and appearing before committee, CAUT has encouraged members to take action to defend the principle of fair dealing.

CAUT has also been active in campaigning for stronger collegial governance at universities and colleges. We have produced a number of resources to assist member associations in organizing locally-based campaigns. The Executive Committee also created a working group on governance that is reviewing CAUT policy and will be reporting its recommendations to November Council.

Research

CAUT's research staff provide 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 Almanac will soon be published in a new on-line format that provides easier visualization and use.

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 and the most recent issue provides comparative information on stipends paid to Contract Academic Staff.

International relations

Much of CAUT's international work is done in conjunction with Education International (EI), a trade union federation representing more than 30 million teachers and education workers from over 400 member national organisations in 171 countries and territories.

In November, EI convened its Further and Higher Education Conference in Taipei, Taiwan. The conference provided a forum for leaders of academic staff unions and associations from around the globe to discuss and share information on topics such as collective bargaining trends, precarious employment, international solidarity, and academic freedom.

In July of this year, EI's quadrennial World Congress will be held in Bangkok, Thailand. CAUT and the University Teachers Association of Ghana have submitted a resolution on academic freedom that calls on EI to monitor and publicize violations of academic freedom, and to campaign actively to defend academics who are facing repression and censorship.

CAUT also continues to engage in bilateral solidarity initiatives. We have ongoing partnerships and projects with the National Association of Graduate Teachers of Ghana (NAGRAT), the University Teachers Association of Ghana (UTAG), the Palestinian Federation of Unions of University Professors and Employees (PFUUPE), the College and Lecturers Association of Zimbabwe (COLAZ), and the Syndicat unitaire et démocratique des enseignants du Sénégal (SUDES). We recently assisted SUDES in publishing an analysis of university finances in Senegal. CAUT supported UTAG in hosting a national seminar in Ghana on pressures facing faculty. Finally, we have aided PFUUPE in organizing a national conference on higher education held in the West Bank in April.

This year, CAUT will be launching a new international initiative in cooperation with the Higher Education Commission of Pakistan. The Commission approached us last year to assist with the development of pedagogical training for faculty in Pakistan. After a series of discussions with the Commission, CAUT has recruited a team of member volunteers to provide an on-site workshop in June. The training session will follow the Instructional Skills Workshop (ISW) Program, a model that was developed in Canada and has been successfully delivered around the world.

Legal

CAUT's legal work focuses on issues of national importance and on providing summary advice to member associations. Our legal staff monitor court and arbitration decisions of relevance to post-secondary education, and prepare periodic legal advisories on issues of relevance to academics. For cases qualifying under the CAUT Arbitration Service, we provide legal representation.

In June, the Supreme Court of Canada rendered its decision in a case involving Trinity Western University (TWU) and the law societies in Ontario and British Columbia. TWU had applied for accreditation from the law societies, both of which refused recognition to the school because of its requirement that students and faculty adhere to a religiously-based covenant prohibiting "sexual intimacy that violated the sacredness of marriage between a man and a woman." In a pair of 7-2 rulings, the majority of justices found the law societies of British Columbia and Ontario have the power to refuse accreditation based on Trinity Western University's so-called community covenant. The covenant, the majority concluded, would deter LGBTQ students from attending the proposed law school, and those who did attend would be at risk of significant harm.

CAUT was granted leave to intervene before the Supreme Court, and CAUT's general counsel made the argument that the issue of academic freedom is also important for the Court to consider. TWU's requirement that academic staff commit to a statement of faith as a condition of employment violates academic freedom, and inhibits the promotion and protection of diversity that must be expected in legal education at a Canadian law school.

CAUT legal staff continued to handle a Canada Human Rights Commission complaint filed on behalf of a group of academics concerned by the failure of the Canada Research Chairs (CRC) Program to abide by the terms of a 2006 Settlement that CAUT helped negotiate. Specifically, the claim is that the CRC Program has failed to carry out an update of the targets established for representation of members of the four protected groups. Following mediation on the matter, a draft settlement agreement was reached and is in the process of being finalized. I hope that I will be able to share more details at the Council meeting.

Along with the Canadian Federation of Students, CAUT has intervened in an appeal of a Federal Court decision in a case between Access Copyright and York University. The case centres on the question of whether copying practices at York were subject to an Access Copyright tariff, and whether copies made within York's fair dealing guidelines meet the test of fair dealing under the *Copyright Act*. At the Federal Court's trial division level, Judge Michael Phelan adopted a strict interpretation of fair dealing and ruled against the University's fair dealing practices. If upheld, the decision would sharply limit the exchange of information within the university and college sector by forcing users to seek permission, and pay substantial amounts of money for uses the Supreme Court of Canada has said is covered by fair dealing. The appeal was heard March 5th and 6th in Ottawa and a decision is expected later in the year.

Finally, CAUT has provided legal counsel under the Arbitration Service in the case of Rick Mehta mentioned above, and in five cases at the University of Northern British Columbia. The latter dealt with the seemingly arbitrary exercise of "emergency powers" by the administration to bar faculty from campus. Four of the five cases have been successfully resolved. The remaining case is one

that touches on aspects of extra-mural academic freedom, and arbitration hearings are scheduled for the end of April.

Membership

CAUT has 82 academic staff association members, including three federated associations. In the past year we welcomed into membership the Concordia University Part-Time Faculty Association, the Renison Association of Academic Staff, and the Syndicat général des professeurs et professeures de l'Université de Montréal (SGPUM). As a result, paid individual affiliated membership now stands at 54,523, an increase of over 2,700 from the previous year, and nearly 7,700 higher than in 2015. The number of academic and general staff we represent exceeds 72,000 when including members of our federated associations.

Staffing

As a result of increased membership and the number and complexity of challenges member associations are facing, there are increasing demands on CAUT staff. This is particularly true in the area of 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 is currently reviewing staffing matters and any recommendation made for an additional staff position will be presented to Council.

There have been three staff changes since my last report. John Eustace left CAUT to take up a position in the collective bargaining department of the Public Service Alliance of Canada. I am happy to report that Mona Chevalier, former president of the faculty union at Collège la Cité, was appointed in November to fill the vacancy of a collective bargaining officer. Rosa Barker relocated from Ottawa and resigned from CAUT after nearly 8 years as a professional officer with CAUT. Andrea Stuart has been appointed to fill the position. Finally, Marissa McHugh stepped down from her role as an administrative assistant in the legal department. That role has now been taken up by Jordan Alexander.

A final note of thanks

I would like to conclude by sincerely thanking the dedicated leaders and activists of our associations who 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, working groups, and networks. Without your dedication and support, we simply could not do the important work that that we do.