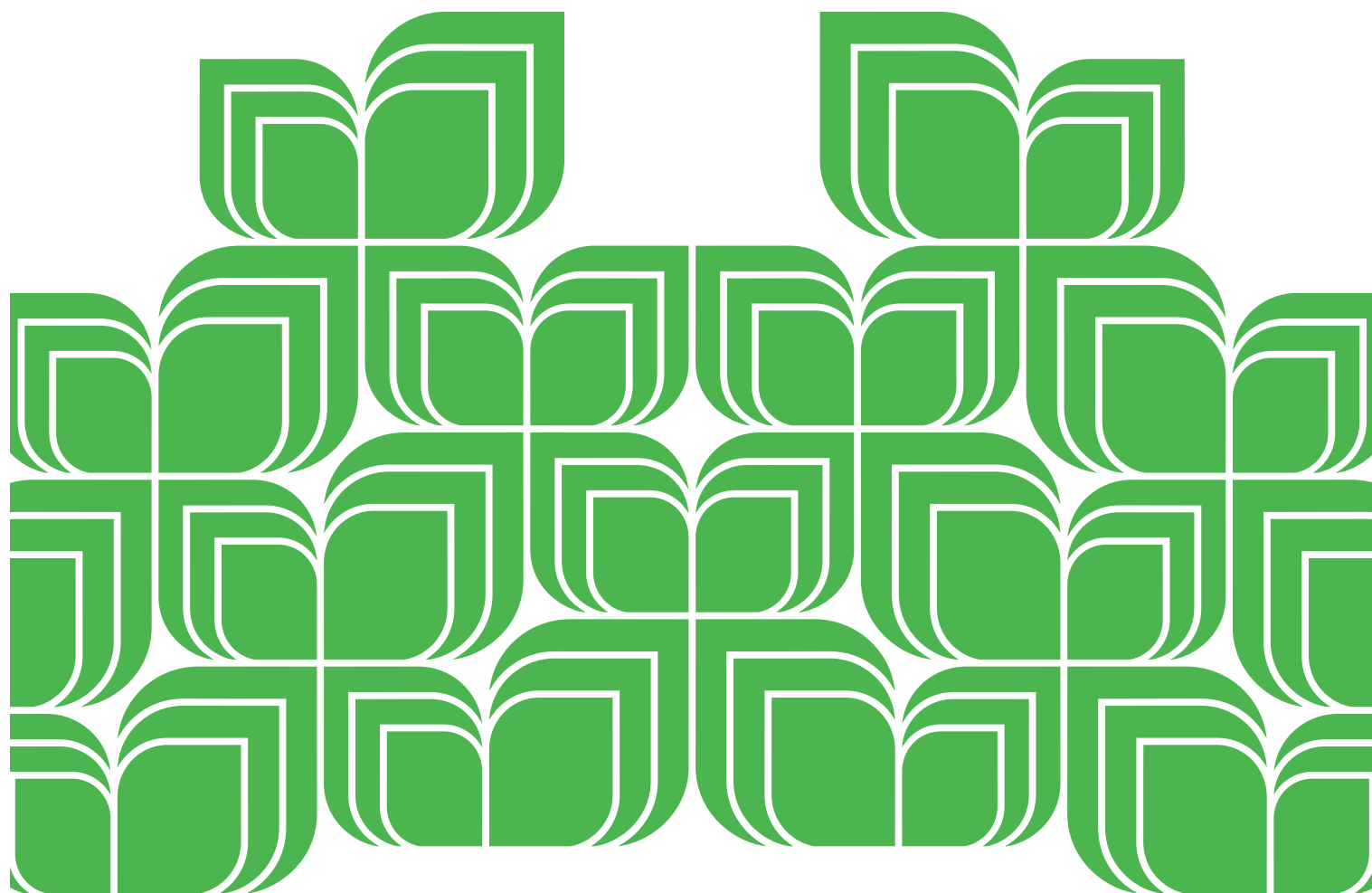


(2020-11)



# Council Meeting Materials

November 27, 2020 // Ottawa



Canadian Association of University Teachers  
Association canadienne des professeures et professeurs d'université

[council.caut.ca](https://council.caut.ca)

# Agenda

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☐ Preliminary   ☐ Revised   ☒ Final

## 89<sup>th</sup> CAUT Council Meeting

November 27, 2020 // 12:30 to 16:30 pm (EST)

CAUT Office, 2705 Queensview Drive, Ottawa, Ontario

*Meeting materials for the 89<sup>th</sup> Council meeting have been posted on the Council website at [council.caut.ca](http://council.caut.ca). Confidential documents, including financial reports, will not be posted on the Council website. All confidential documents have been sent by email to member associations and registered Council delegates and alternates prior to the meeting. If you have not received emailed confidential materials for this meeting, please contact Marcel Roy, CAUT Meeting and Event Planner, at [roy@caut.ca](mailto:roy@caut.ca), and specify the document(s) required and corresponding agenda item.*

*Agenda items with associated material of a confidential nature have been identified on the meeting agenda with the notation (\*\*).*

## FRIDAY, November 27

- |             |  |
|-------------|--|
| 12:00-12:30 | Login and Confirmation of Credentials  |
| 12:30       | 01. Call to Order and Announcements by Speaker                                       |
|             | 02. Adoption of Agenda   |
|             | 03. Adoption of Minutes of Meeting of June 26, 2020                                  |
|             | 04. President's Remarks  |
|             | 05. Report of Elections and Resolutions Committee                                    |
|             | a) <u>Rules of Order</u>   |
|             | b) <u>CAUT By-law Number 1</u>   |
|             | i) By-law Amendment  |
|             | c) Casual Vacancy, Librarians' and Archivists' Committee                             |
|             | 06. Recommendations for CAUT Awards  |
|             | a) Lee Lorch Award   |
|             | b) Sarah Shorten Award   |
|             | c) Librarians' and Archivists' Distinguished Service Award                           |
| 13:00       | 07. Business Arising from the 87 <sup>th</sup> and 88 <sup>th</sup> Council Meetings |
|             | a) Executive Director's Report on CAUT and the CAUT Defence Fund (**)                |

14:00 **CAUT COUNCIL RECESS/  
CALL TO ORDER — ACADEMIC FREEDOM FUND MEMBERSHIP MEETING**

14:15 ***BREAK***

14:30            08.    Report of the Executive Director on Academic Freedom

- a) Investigations
  - i) Peter Wall Institute for Advanced Studies (UBC)
- b) Cases
  - i) Academic Freedom in Teaching
- c) Censure
  - i) University of Toronto
- d) Litigation Report
  - i) Access Copyright/York University
  - ii) Canadian Federation of Students v. Ontario
  - iii) University of New Brunswick
  - iv) Laurentian University
  - v) Arbitration Decisions
  - A. CAUT Legal Update

15:00      09.      CAUT Policy Statements and Model Clauses

- a) Policy Statements
  - i) NEW PS on Academic Administrative Searches
  - ii) PS on Criteria and Procedures in Renewal Tenure and Promotion Decisions
  - iii) PS on Renewal of Academic Staff
  - iv) PS on Academic Staff with Mental Health Disabilities
- b) Model Clauses
  - i) MC on Openness and Transparency

15:30            10.     Resolutions from Member Associations

11. Report on Administration and Finances
  - a) Financial Statements
    - i) Financial Report (year ending June 30, 2020) (\*\*)
    - ii) Auditors' Report (\*\*)
      - A. Report of the Audit Committee
    - iii) Financial Report 1<sup>st</sup> Quarter (ending September 30, 2020) (\*\*)
  - b) Financial Resolutions
    - i) Delegation of authority

12. Report from the Fédération québécoise des professeures et professeurs d'université (FQPPU)

13. Report from the Fédération nationale des enseignantes et des enseignants du Québec (FNEEQ-CSN)

14. Reports
  - a) Collective Bargaining
  - b) Education
  - c) Occupational Health & Safety
  - d) Advocacy and Political Action

15. Reports of Standing Committees
  - a) Academic Freedom & Tenure Committee
  - b) Collective Bargaining & Economic Benefits Committee
  - c) Contract Academic Staff Committee
  - d) Equity Committee
  - e) Librarians' and Archivists' Committee
16. Reports of Working Groups and Committees of the Executive
  - a) Aboriginal Post-Secondary Education Working Group
  - b) Clinical Faculty Committee
  - c) Francophones' Committee
  - d) Ad-hoc Working Group on Governance
17. Reports of Affiliated Organizations
  - a) Report from the Harry Crowe Foundation
  - b) Report of the CAUT Defence Fund
  - c) Report of the J.H. Stewart Reid Memorial Fellowship Trust
  - d) Report from the National Union of the Canadian Association of University Teachers (NUCAUT)
18. Report of Executive Committee Meetings
  - a) Minutes
    - i) Meeting of September 13-14, 2019
    - ii) Meeting of November 26-27, 2019
    - iii) Meeting of February 7-8, 2020
    - iv) Meeting of April 21 & April 24, 2020
    - v) Meeting of May 25, 2020
    - vi) Meeting of June 19, 2020
    - vii) Meeting of July 13, 2020

16:30

**ADJOURNMENT**

✓ Draft    ☐ Final

## 88<sup>th</sup> CAUT Special Council Meeting 26 June 2020

### Speaker

Ted Montgomery      OPSEU

### Deputy Speaker

Cindy Oliver

### Executive Committee

|                     |  |
|---------------------|--|
| Brenda Austin-Smith | President – (UMFA)   |
| James Compton       | Past President – (UWOFA)   |
| Peter McInnis       | Vice-President (StFXAUT)   |
| Yalla Sangaré       | Treasurer – (APBUSA)   |
| Marc Schroeder      | Representative-at-large (General) – (MRFA)                             |
| Robin Whitaker      | Representative-at-large (General) - (MUNFA)                            |
| Laurence McFalls    | Representative-at-large (Francophone) – (SPGUM)                        |
| David Newhouse      | Representative-at-large (Aboriginal)(TUFA)                             |
| Serge Jolicoeur     | Representative-at-large (Francophone)(ABPPUM)                          |
| 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 – (UBC)                       |
| Tim Ribaric         | Chair, Librarians' and Archivists' Committee – (BUFA)                  |
| Pat Armstrong       | Co-chair, Equity Committee (YUFA)                                      |
| Momin Rahman        | Co-chair, Equity Committee (TUFA)                                      |

### Ex-Officio Member

David Robinson      CAUT Executive Director

### Local Associations – Delegates

|                          |                                    |                  |                                   |
|--------------------------|------------------------------------|------------------|-----------------------------------|
| Richard Karsten          | Acadia (AUFA)                      | Rickard Enstroem | Grant MacEwan (GMUFA)             |
| Kevin Kane               | Alberta (AASUA)                    | Mary DeCoste     | Guelph (UGFA)                     |
| Myles Frederick McLellan | Algoma (AU-OPSEU 685)              | Neil Brooks      | Huron (HUCFA)                     |
| Colin Jones              | BCIT (BCITFA)                      | Benjamin Muller  | King's University College (KUCFA) |
| Jon Tomas Godin          | Brandon (BUFA)                     |                  | Lakehead (LUFA)                   |
| Melissa Jean             | Brescia (BFA)                      | Gautam Das       | Laurentian (LUFAPPUL)             |
| Bronwen Sprout           | British Columbia (UBCFA)           | Fabrice Colin    | Laval (SPUL)                      |
| Paul Rogers              | Calgary (TUCFA)                    | John G. Kingma   | Lethbridge (ULFA)                 |
| Jean-Marc Noël           | Canadian Military Colleges (CMCFA) | David Kaminski   | Manitoba (UMFA)                   |
|                          | Cape Breton (CBUFA)                | Michael Shaw     | McGill (MAUT)                     |
| Amar Anwar               | Concordia (CUFA)                   | Simon Rousseau   | McMaster (MUFA)                   |
| Ian Rakita               | Concordia PT (CUPFA)               | Elkafi Hassini   | Memorial (MUNFA)                  |
| Robert Soroka            | CUPE 3902 (UT-CUPE 3902)           | William Schipper | Moncton (ABPPUM)                  |
| Kristin Cavoukian        | CUPE 3912 (DU-CUPE 3912)           | Mathieu Lang     | Moncton à Edmundston (APPUMCE)    |
| Karen Harper             |                                    | Justin Maalouf   |                                   |

|                    |  |
|--------------------|--|
| Audrey Laplante    | Montreal (SGPUM)                                 |
| Matthew Litvak     | Mount Allison (MAFA)                             |
| Lee Easton         | Mount Royal (MRFA)                               |
| Vlad Tasic         | New Brunswick (AUNBT)                            |
| Nathan Kozuskanich | Nipissing (NUFA)                                 |
| Stephen Rader      | Northern BC (UNBC-FA)                            |
| Nicole Bessette    | Northern Ontario School<br>of Medicine (NOSMFSA) |
| Luca Bogdan        | OCAD   |
| Sharon Myers       | PEI (UPEIFA)                                     |
| Elizabeth Hansen   | Queen's (QUFA)                                   |
| Britt Hall         | Regina (URFA)                                    |
| Kristina Llewellyn | Renison (RAAS)                                   |
| Kenneth Christie   | Royal Roads (RRUFA)                              |
| Ian Sakinofsky     | Ryerson (RFA)                                    |
| Jean Valenti       | Saint-Boniface (APCUSB)                          |

|                    |                              |
|--------------------|------------------------------|
| James Crombie      | Sainte-Anne (APPBUSA)        |
| Michael Sjoerdsma  | Simon Fraser (SFUFA)         |
| Martin Van Bommel  | St. Francis Xavier (StFXAUT) |
| Lorna Rourke       | St. Jerome's (SJU-ASA)       |
| Gül Caliskan       | St. Thomas (FAUST)           |
| Saeed Moshiri      | St. Thomas More (STMFU)      |
| Joseph Roy Gillis  | Toronto (UTFA)               |
| Marcus Harvey      | Trent (TUFA)                 |
| Mike Eklund        | UOIT (UOITFA)                |
| Monica Prendergast | Victoria (UVicFA)            |
| Lori Curtis        | Waterloo (FAUW)              |
| David Monod        | Wilfrid Laurier (WLUFA)      |
| Peter Zimmerman    | Windsor (WUFA)               |
| Jacqueline Romanow | Winnipeg (UWFA)              |
| Terry Maley        | York (YUFA)                  |

### **Local Associations – Absent**

Athabasca (AUFA)  
Atlantic (ASTFA)  
Bishop's (APBU)  
Brock (BUFA)  
Carleton (CUASA)  
Carleton Postdoc (CUPA)  
Concordia U-C (CUEFA)  
CUPE 3909 (Manitoba)  
Dalhousie (DFA)  
Hearst (APUH)  
King's College (UKCTA)  
McMaster Librarians (MUALA)

Moncton à Shippagan (APPUMCS)  
Mount Saint Vincent (MSVUFA)  
NSCAD (FUNSCAD)  
Osgoode Hall (OHFA)  
Ottawa (APUO)  
Saint Mary's (SMUFU)  
Saint Paul (PASPU)  
Saskatchewan (USFA)  
St. John's (SJCFA)  
St. Mary's U (StMUFA)  
Western Ontario (UWOFA)

### **Federated Associations**

|               |       |
|---------------|-------|
| Ken Heather   | ACIFA |
| Martin Devitt | OPSEU |

### **Provincial Associations – Delegates**

|                     |         |
|---------------------|---------|
| Heather Bruce       | CAFA    |
| Jacqueline Holler   | CUFA BC |
| Hector Guy Adigbidi | FNBFA   |
| Scott Stewart       | ANSUT   |

### **Provincial Associations – Absent**

|              |       |
|--------------|-------|
| Manitoba     | MOFA  |
| Ontario      | OCUFA |
| Saskatchewan | SAUT  |

### **CAUT Staff Representative**

Justine De Jaegher

### **Provincial Associations Having Special Arrangements with CAUT**

|                |       |
|----------------|-------|
| Jean Portugais | FQPPU |
|----------------|-------|

### **Local, Provincial and Federated Associations - Alternates and Observers**

|                 |                 |                |                          |
|-----------------|-----------------|----------------|--------------------------|
| Andrew Biro     | Acadia (AUFA)   | Kyla Epstein   | BCIT (BCITFSA)           |
| Ricardo Acuña   | Alberta (AASUA) | Deena Rubuliak | British Columbia (UBCFA) |
| Maria Angerilli | BCIT (BCITFSA)  | Sheila Miller  | Calgary (TUCFA)          |

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|                      |                       |                         |                         |
|----------------------|-----------------------|-------------------------|-------------------------|
| Nick Papatheodorakos | Concordia PT (CUPFA)  | Malaëka Bacon-Dussault  | Moncton (ABPPUM)        |
| Michelle Malin       | Grant MacEwan (GMUFA) | Carolji Forgues         | Moncton (ABPPUM)        |
| Susan Hubers         | Guelph (UGFA)         | Paul-Emile Mallet       | Moncton (ABPPUM)        |
| Alain A. Viau        | Laval (SPUL)          | Leslie Jermyn           | Queen's (QUFA)          |
| Margot Kaszap        | Laval (SPUL)          | Kevin Siebert           | Regina (URFA)           |
| Claire Bilodeau      | Laval (SPUL)          | Terezia Zoric           | Toronto (UTFA)          |
| Aaron Chubbs         | Lethbridge (ULFA)     | Christine McLaughlin    | UOIT (UOITFA)           |
| Greg Flemming        | Manitoba (UMFA)       | Sheila McKee-Protopapas | Wilfrid Laurier (WLUFA) |
| Joseph Varga         | McGill (MAUT)         | Debbie Noble            | Windsor (WUFA)          |
| Ken Snelgrove        | Memorial (MUNFA)      | Arthur Hilliker         | York (YUFA)             |
| Amy Wadden           | Memorial (MUNFA)      | Anna Beukes             | ACIFA                   |
| Roger Leblanc        | Moncton (ABPPUM)      | Brendan Bruce           | CAFA                    |
| Hélène Albert        | Moncton (ABPPUM)      | Annabree Fairweather    | CUFA BC                 |

### **CAUT Staff**

|                        |  |
|------------------------|--|
| Tony Cantin            | Director of Finance, Human Resources and Operations  |
| Pam Foster             | Director, Research and Political Action              |
| Valérie Dufour         | Director, Communications                             |
| Marcel Roy             | Meeting and Event Planner                            |
| Constance Hewitt       | Administrative Assistant                             |
| Jordan Alexander       | Administrative Assistant                             |
| Margaret McGovern-Poté | Executive Assistant to the Executive Director        |
| Mona Chevalier         | Collective Bargaining Officer                        |
| Andrea Harrington      | Collective Bargaining Officer                        |
| Josh Piché             | IT Officer   |
| Sadiya Abdulrahim      | IT Systems Administrator                             |
| Christina Muehlberger  | Membership Engagement, Organizing & Outreach Officer |
| Lauren Gatti           | Graphic Designer                                     |
| Laura Rashotte         | Special Projects                                     |

### **01. Call to order**

The Speaker, Ted Montgomery, called the meeting to order.

The Speaker informed delegates that although this meeting is largely virtual, we all do our academic work on specific Indigenous, First Nations, and Métis territories. Some of these territories are governed by treaties, but some are still unceded. He asked delegates to reflect on the conditions under which we occupy these spaces, today and always.

The Speaker made several announcements with respect to the operation of the meeting.

### **02. Adoption of Agenda**

**PRESIDENT/NIPISSING:** THAT the agenda be adopted, as circulated.

**CARRIED**

### **03. Report of the Elections and Resolutions Committee**

#### **a) Nominations Report**

The Speaker drew delegates' attention to the Nominations Report in the meeting materials outlining the candidates whose nominations for the positions on the CAUT Executive Committee were received and determined to

be in order prior to the nomination deadline.

**ROYAL ROADS/LAVAL: THAT** the Nominations Report be adopted.

**CARRIED**

The Speaker declared nominations closed and invited Garth Steele, a representative from auditing firm Welch LLP, to provide information to delegates on the voting procedures for the 2020-2021 elections of the CAUT Executive Committee.

Garth Steele informed delegates that Welch LLP are the financial auditors for CAUT and have been asked to administer the CAUT Council Elections for 2020. The elections will take place through an electronic balloting process starting at 2:00 pm (EDT) today, Friday June 26. The ballot will be open for 24 hours, closing at 2:00 pm (EDT) on Saturday June 27<sup>th</sup>. All eligible voters will receive an email with voting instructions.

**04. Adoption of Minutes of Meeting of November 29-December 1, 2019**

**BRANDON/CANADIAN MILITARY COLLEGES: THAT** the minutes of November 29-December 1, 2019 Council meeting be approved, as circulated.

**CARRIED**

a) Business Arising

The Speaker drew delegates' attention to a memorandum in the meeting materials from the Executive Director providing an update on the status of outstanding member resolutions from the November Council meeting.

**05. President's Remarks**

The President welcomed delegates to Council and thanked them for dedicating their time and effort to association work, especially during this time of upheaval and stress. She also reported that she and Past President James Compton had carried out the directive passed by Council last November to secure a contract renewal with David Robinson as Executive Director of CAUT, from July 1, 2020 to June 30, 2026. The President thanked delegates once again for making time to attend this Council meeting.

**06. Recommendations for CAUT Awards**

a) Bernice Schrank Award

**PRESIDENT/FNBFA: THAT** the Bernice Schrank Award be presented to Jeanette Gaudet from the University of St. Thomas.

**CARRIED**

b) Donald C. Savage Award

**CHAIR-CBEBEC/LAKEHEAD: THAT** the Donald C. Savage Award be presented to the OPSEU CAAT-Academic 2017 Bargaining Team.

**CARRIED**



**07. Membership on CAUT Standing Committees**

**PRESIDENT/CALGARY:** THAT the recommended list of candidates for membership on CAUT standing committees, as provided in the Council meeting materials, be ratified by Council.

**CARRIED**

**08. Financial Matters**

- a) Financial Report – Nine months ending March 31, 2020 [for information]

The Treasurer presented the financial results for the third quarter, ending March 31, 2020.

- b) Budget 2020-21 [for approval]

**TREASURER/BRANDON:** THAT the 2020-21 budget be approved.

**CARRIED**

- c) Appointment of Auditor

**TREASURER/LAVAL:** THAT the firm Welsh LLP be appointed as auditor for 2020-2021.

**CARRIED**

**09. Organizational Resolutions**

- a) Signing Authorities

**PRESIDENT/BCIT:** THAT Council approve the list of signing authorities for 2020-2021 as provided in the Council meeting materials.

**CARRIED**

**10. Report on Elections**

The Speaker reported that the elections for the CAUT Executive Committee were now underway. The elections will close at 2:00 pm (EDT) Saturday June 27<sup>th</sup>.

The Executive Director asked that any registered voter who did not receive their ballot or is having technical issues to send him an email signaling the problem. He would ensure to forward the issue to the auditors for follow-up.

**11. Election of Speaker and Deputy Speaker**

The Past President reported that one nomination has been received for the position of Speaker of Council; one nomination has been received for the position of Deputy Speaker; and one nomination has been received for member of the Elections and Resolutions Committee.

The Past President announced that Ted Montgomery had been acclaimed Speaker of Council, Cindy Oliver as Deputy Speaker, and Robin Vose as a member of the Elections and Resolutions Committee.

**12. Annual Reports**

## a) Report of the President

The Speaker drew delegates' attention to the Report of the President that was included in the meeting materials.

## b) Report of the Executive Director

The Speaker drew delegates' attention to the Report of the Executive Director that was included in the meeting materials.

**13. Other Business**

The Speaker thanked all CAUT staff who assisted with the organization of this meeting. He reminded delegates that the deadline for voting for positions on the CAUT Executive Committee was Saturday June 27 at 2:00 pm (EDT) and encouraged delegates to 'stay in and vote'.

*There being no other business, the meeting was adjourned.*

# Memorandum

**Date:** October 23, 2020

**To:** CAUT Council

**From:** David Robinson, CAUT Executive Director

**Re:** **Notice of CAUT By-law Amendment**

*The Canada Not-for-profit Corporations Act (CNCA)* provides that a corporation can hold virtual meeting of members only if the By-laws or the Articles specifically provide for it. CAUT's Articles of Continuance and the current By-law are silent on virtual meetings of Council. The ongoing pandemic and the restrictions on travel and in-person meetings thus requires CAUT to amend the By-law to allow for virtual meetings of Council when needed or required.

The key changes proposed in the attached amending By-law are as follows:

- 8.1m.i. deals with semi-virtual meetings of members. The default rule under the CNCA is that a meeting of members may be held in-person at a physical location with members having the option to participate remotely by electronic means if the corporation makes available such a facility (hereinafter referred to as a "semi-virtual meeting"). If the by-laws are silent on electronic participation in a meeting of members or if the by-laws do not contain a provision prohibiting electronic participation, then semi-virtual meetings of members are allowed. Although it is the default rule in the CNCA, this provision is included in the attached draft By-law for purposes of clarity and completeness.
- The purpose of sub-section 8.1m.ii. is to provide for holding an entirely virtual meeting of members (as opposed to a semi-virtual meeting). As mentioned above, the default rule under the CNCA is that entirely virtual meetings of members are not allowed unless expressly provided for in the by-laws.
- Sub-section 8.1m.iii. deals with voting while participating electronically in a semi-virtual or entirely virtual meeting of members. In effect, the electronic voting method provided to members must create the functional equivalent of a secret ballot.

**BY-LAW NUMBER 5**

A by-law to amend By-Law Number 1

**CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS ASSOCIATION  
CANADIENNE DES PROFESSEURES ET PROFESSEURS D'UNIVERSITE**

BE IT ENACTED as a by-law of CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS ASSOCIATION CANADIENNE DES PROFESSEURES ET PROFESSEURS D'UNIVERSITÉ (the “Association”), a corporation continued under the *Canada Not-for-profit Corporations Act* S.C. 2009, c.23, that By-law Number 1 of the Association be and the same is hereby amended as follows:

1. **AMENDMENT**

Section 8 (Council) is amended by inserting after sub-section 8.1l. (Mail Ballots) a new sub-section, namely, subsection 8.1m., which provides as follows:

“m. Meeting of Members Held by Electronic Means -- Notwithstanding any other provision of the By-laws of the Association:

- i. any person entitled to attend a Council may participate in the Council, in accordance with the Regulations, by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting, if the Association makes available such a communication facility. A person so participating in a Council is deemed for the purposes of the Act to be present at the Council.
- ii. the Directors may determine that a Council shall be held, in accordance with the Regulations, entirely by means of a telephonic, an electronic or other communication facility that permits all participants to communicate adequately with each other during the meeting.
- iii. any vote at a Council may be carried out by means of a telephonic, electronic or other communication facility, if the facility:
  1. enables the votes to be gathered in a manner that permits their subsequent verification; and
  2. permits the tallied votes to be presented to the Association without it being possible for the Association to identify how each Member or group of Members voted.”

2. **CONSOLIDATION**

The amendment enacted by this By-law Number 5, upon its coming into force, shall be consolidated into By-law Number 1 and published as a consolidated By-law of the Association.

**CERTIFIED** to be By-Law Number 5 of the Association, as approved by the directors of the Corporation by resolution on the            day of            , 2020 and approved by special resolution of the members of the Association entitled to vote duly passed in accordance with the By-laws of the Association on the            day of            , 2020.

DATED this            day of            , 2020.

---

*[Insert name]*

Title:

---

*[Insert name]*

Title:

# Memorandum

## Re: Recommendation for Lee Lorch Award 2020

**Date:** October 10, 2020

**To:** CAUT Council

**From:** James Compton, CAUT Past President

The CAUT Lee Lorch Award recognizes academics who excel in each of the domains of academic work: teaching, research, and service to the institution and the community. The recipients are individuals who have contributed noticeably to the lives of their students, to their institution, to their field of study, and to our communities.

On behalf of this year's selection jury, it is my pleasure to recommend that the 2020-2021 CAUT Lee Lorch Award be presented to Dr. Geoff Rayner-Canham of the Department of Chemistry and Environmental Science, at Memorial University of Newfoundland.

# Memorandum

## Re: Recommendation for the Sarah Shorten Award

**Date:** October 16, 2020

**To:** CAUT Council

**From:** Pat Armstrong and Momin Rahman, Co-Chairs

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The CAUT Equity Committee is pleased to recommend Geneviève Boulet for the Sarah Shorten Award. Dr. Boulet is an Associate Professor of Educational Mathematics at Mount Saint Vincent University and has held various roles at Mount Saint Vincent University Faculty Association (MSVUFA), including as the first woman Chief Negotiator.

As one of her referees attests, Geneviève Boulet has provided an inspiration to challenge patriarchal systemic oppression in higher education through her leadership in bargaining within a feminist framework and from her educational work which aims to advance women and girls in the STEM field of mathematics.

As Chief Negotiator, Dr. Boulet supported MSVUFA in a feminist review of its collective agreement, leading to many gains of importance to equity-seeking members, including:

- Improvements to leaves such as domestic violence, compassionate care and family caregiver;
- increased recognition of service work beyond formal committee work; and,
- a letter of understanding on the Recruitment and Retention of Indigenous Faculty, Librarians, and Lab Instructors.

Her teaching and professional activities aim to empower girls and women in the field of mathematics. Her efforts extend beyond her research and teaching, as she engages directly in the community, through workshops, conferences and media relations.

Dr. Boulet seeks feminist outcomes through a feminist approach emphasizing collaboration and team work, collective over individual action.

The CAUT Equity Committee is pleased to submit the name of Geneviève Boulet for this nomination.

# Memorandum

## Re: Recommendation for the CAUT Academic Librarians' and Archivists' Distinguished Service Award

**Date:** October 19, 2020

**To:** CAUT Council

**From:** Kate Cushon, Chair

The Academic Librarians' and Archivists' Distinguished Service Award was established in 1994 to recognize outstanding contributions by academic librarians and archivists and other academic staff to the advancement of the status and/or working conditions of academic librarians and archivists at Canadian universities and colleges. The CAUT Librarians' and Archivists' Committee is pleased to recommend that this award be given to Harriet Sonne De Torrens of the University of Toronto.

Harriet Sonne De Torrens' career exemplifies persistent activism and advocacy, and she has made a truly impressive number of contributions to the advancement of the status and working conditions of academic librarians at the local, regional, and national level. She has demonstrated an unflagging commitment to the profession of academic librarianship, even earning an award for Academic Librarianship from the Ontario Confederation of University Faculty Associations (OCUFA) after only four years of professional practice in a continuing appointment.

Harriet began organizing and advocating for academic librarians at the University of Toronto through her service on the UTFA Librarians Committee in 2007. Her talents, dedication, and leadership were immediately apparent and respected, and continue to be a touchstone for the University of Toronto librarian community. In 2010 she was nominated and accepted the position as the Chair of the UTFA Librarians Committee. Recognized as for her skill in promoting the message that librarians are full partners with academic faculty in the pursuit of the University's academic mission – and reflecting that message in her own career – her colleagues requested that she serve the maximum number of consecutive years allowed within this position: 6 years. Subsequently, Harriet accepted a two-year term as the Member-at-Large on the UTFA Executive Committee from 2016-2018, and has since resumed the position of the Chair of the UTFA Librarians Committee until June 2022.

From 2010-present she has organized over 30 events and consultations, as well as developing and disseminating over 10 surveys to canvass librarians about their questions, thoughts, ideas, and concerns regarding the University of Toronto *Policies for Librarians*. During this time, she built



awareness that the document had not been substantially updated since its establishment in 1978. By aggregating and disseminating the community's feedback (collected both in-person and online) she was able to impress upon the U of T community the significance of the *Policies for Librarians* and the deficiencies within the *Policies*, while simultaneously cultivating solidarity amongst the ~160 librarians across U of T's 3 campuses.

Nationally, Harriet has distinguished herself through strong, consistent commitment to her colleagues through involvement in CAUT and CAPAL. Although her service to CAUT has not been in elected positions, she has made excellent use of CAUT's national listserv and recent Librarians' and Archivists' Conference to share important messages to colleagues across the country.

Beyond service work, Harriet has engaged in scholarly activities that directly support and consolidate her activism, reaching a broader audience than is possible through involvement in local, provincial, national, or even international organizations. She has authored articles and chapters on the subjects of academic freedom for academic librarians, academic status, professional autonomy, the importance of engaging in scholarly activities, the history of academic librarian activism at the University of Toronto, and why advocacy is so critical.

It is rare to find such engaged, consistent, and successful activism. Harriet Sonne de Torrens is dedicated to her profession and colleagues in all the ways that the CAUT Academic Librarians' and Archivists' Distinguished Service Award is meant to encourage, highlight, and reward.

# CAUT Report on Academic Freedom at the Faculty of Law, University of Toronto

October 2020

## CAUT Report on Academic Freedom at the Faculty of Law, University of Toronto<sup>1</sup>

This report concerns events surrounding the decision by the Dean of the Faculty of Law at the University of Toronto to terminate the hiring process following the selection of Dr. Valentina Azarova as Director of the International Human Rights Program (IHRP). This action was alleged to have been precipitated by pressure exerted by a sitting judge and donor to the University in apparent violation of Dr. Azarova's academic freedom.

The CAUT Academic Freedom and Tenure Committee has reviewed the evidence and testimony related to the case, much of which is publicly available. The Committee has concluded that there is sufficient evidence to support the allegations of a serious breach of Dr. Azarova's academic freedom such that CAUT censure of the University of Toronto Administration is warranted.

### Background

The International Human Rights Program<sup>2</sup> was established by the Faculty of Law in 1987 with a mission to advance the field of international human rights law. The program first offered experiential learning opportunities for students through summer internships and volunteer working groups. In 2002, the program expanded to include an international human rights clinic and a human rights speaker series. Activities since then have ranged from direct client representation to policy work, with an emphasis on providing legal expertise to civil society. In 2010, the IHRP won a Lexpert Zenith award for its human rights advocacy work and in 2013 was awarded the Ludwik and Estelle Jus Memorial Human Rights Prize by the University of Toronto.

The IHRP's governance structure was modified in 2003 when the Faculty of Law established an Advisory Board comprised of prominent members of the legal profession and academia. In 2009, a Faculty Advisory Committee was created to further integrate the IHRP within the Faculty of Law's overall research mission and goals. The Faculty Advisory Committee discusses and approves all advocacy initiatives and provides strategic advice on all programming.

The Director of the IHRP is an academic administrative position responsible for providing clinical, educational, and administrative leadership and support. The Director oversees the IHRP's advocacy initiatives, clinic, speaker series, working groups, publications, internship, and mentorship programs. In addition, the Director is required to supervise students, develop and deliver clinical legal education programs, and organize and conduct workshops, conferences, and research.

Dr. Valentina Azarova is a highly recognized international legal practitioner, educator, and researcher. She obtained her L.L.B. from the University of Westminster in 2008 with first class honours and in 2014 earned her Ph.D in Public International Law from the Irish Centre for Human Rights at the National University of Ireland, Galway. She has held several research and teaching positions, including a postdoctoral fellowship with the Centre for Global Public Law and Law School at Koç University in Istanbul, a visiting research fellowship with the Central European University, and an adjunct lecturer position with Birzeit University in Palestine.

Dr. Azarova specializes in legal and human rights issues arising from immigration detention, the arms trade, and occupation and annexation. As part of this latter work, she has written several articles and book chapters on the application of international law and treaty obligations within the context of Israel's occupation of the Palestinian Territories. Dr. Azarova is also a human rights advocate and has been a legal advisor with the Global Legal Action

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1. This report was prepared by CAUT staff and approved by the CAUT Academic Freedom and Tenure Committee.

2. Information about the program is taken from the IHRP website: <https://ihrp.law.utoronto.ca/>

Network<sup>3</sup> and legal researcher with Al-Haq<sup>4</sup>, an independent human rights organization based in the West Bank, whose major donors include the European Union, the Swedish International Development Cooperation Agency, the Danish Representative Office in Ramallah, the Representative Office of Ireland in Palestine, and Norway's Representative Office to the Palestinian Authority.

## Chronology of Events

In late July 2020, after a competitive search for the vacant position of Director of the IHRP, a three-person hiring committee consisting of Assistant Dean Alexis Archbold, Professor Audrey Macklin, and IHRP Research Associate Vincent Wong, unanimously selected Dr. Valentina Azarova as the top choice. Following the hiring committee's recommendation and subsequent reference checks, Vincent Wong contacted Assistant Dean Alexis Archbold on August 6 to ask if an offer had been made to Dr. Azarova. The Assistant Dean replied on August 9 indicating that she would be meeting with Robyn Hunter<sup>5</sup> from the University's Human Resources Department to "discuss our offer to Valentina":

Hi Vince,

I hope you had a great week. I just returned to the city after being away with no access to the internet. I have meeting [sic] booked with Robyn tomorrow to discuss our offer to Valentina. I plan to get in touch with Valentina first thing Tuesday morning. She knows that we wouldn't be in touch again until this week.

I will let you know how things go.

Thanks!  
Alexis

Alexis Archbold. LL.B.  
Assistant Dean, J.D. Program  
University of Toronto Faculty of Law

Dr. Azarova reports that Assistant Dean Archbold verbally offered her the directorship of the IHRP on August 11 by videoconference call. On the call, they discussed salary, pension, starting date, and term of the contract. Dr. Azarova indicates that she accepted the offer verbally on August 19.

On August 20, the Assistant Dean wrote to members of the hiring committee to inform them that the University was beginning the process of assisting Dr. Azarova with her work permit application. She also stated that the University wanted to find a way for Dr. Azarova to start before she received her work permit:

Hi Audrey and Vince—

Just letting you know that I am continuing to push this forward. I have spoken to Valentina 3x since we decided to go with her. She seems to get more excited each time I speak with her.

I spoke with an immigration lawyer yesterday, and will be speaking to the UT employment lawyers tomorrow. In a nutshell, we are hoping to work out a way for Valentina to start work before she has a Cdn work permit in hand. The

3. See <https://www.glanlaw.org/>

4. See <http://www.alhaq.org/>

5. Robyn Hunter also participated in the first round of interviews for the position.

immigration lawyer is suggesting she could have one in 2-3 months. We need to bridge the time between now and then.

Valentina is willing to start working remotely immediately. She plans to move to Canada by December.

I will let you know how it looks after the meeting tomorrow.

Thanks!

Alexis

Alexis Archbold. LL.B.

Assistant Dean, J.D. Program

University of Toronto Faculty of Law

**As indicated by the Assistant Dean, the University proposed to initially hire Dr. Azarova as a consultant or contractor so that she could prepare for her role before her work on campus was set to begin on January 11, 2021. On August 21, Assistant Dean Archbold wrote to the hiring committee to report that the University's lawyers had confirmed that Dr. Azarova could begin work as an independent contractor while waiting for her work permit:**

Continuing to have positive discussions with Valentina and others. Spoke to UT employment lawyers today and they confirmed that we can hire Valentina as an independent contractor and roll her into the permanent position when she has her permit in hand. Valentina is happy with this. Next step is to connect her with the employment lawyer directly to make sure that the 3 month timeframe that he gave me is in fact realistic in her circumstances.

Have a great weekend!

Alexis Archbold. LL.B.

Assistant Dean, J.D. Program

University of Toronto Faculty of Law

**By e-mail on August 22, the Associate Dean introduced Dr. Azarova to Peter Rekai, an immigration lawyer the University hired to assist with her work permit application:**

From: Alexis Archbold

Date: Sat, 22 Aug 2020 at 14:16

Subject: Meeting on Monday August 24th at 10:00 am EST

To: Peter Rekai, Valentina Azarova

Dear Peter and Valentina

It is my pleasure to introduce you. Valentina, Peter is the immigration lawyer with whom I have been speaking about our IHRP hire circumstances.

Peter, thank you very much for agreeing to meet with Valentina to discuss the routes to obtain a Canadian work permit (and ultimately permanent residency).

As you both know, we are keen to explore the best and most expedient route for Valentina to obtain a work permit no later than December 31 2020.

Peter, Valentina is available to meet on Monday August 24th at 10:00 EST. I will defer to you to send Zoom or other meeting details. I will not be joining you for this meeting.

Many thanks to you both. Have a lovely weekend!

Alexis

**The Assistant Dean followed up with Dr. Azarova by e-mail on August 24 to ensure that she had spoken with the immigration lawyer. Dr. Azarova responded to confirm she had done so and provided a summary of the advice she had received:**

*On Mon, 24 Aug 2020 at 21:05, Alexis Archbold wrote:*

Hi Valentina

I hope you are well. Just checking in—did you and Peter connect today?

Many thanks

Alexis

Alexis Archbold, LL.B.  
Assistant Dean, J.D. Program  
University of Toronto Faculty of Law  
[www.law.utoronto.ca](http://www.law.utoronto.ca)  
[www.bfl.law.utoronto.ca](http://www.bfl.law.utoronto.ca)

From: Valentina Azarova  
Sent: August 24, 2020 9:00 PM  
To: Alexis Archbold  
Subject: Re: Checking in

Hi Alexis

Yes we did, and I was under the impression that he was going to speak with you so did not actively provide you with a debrief.

The long and short of it is that the way forward would be a double barrelled approach to a work visa, as all other paths would be too time risky at this stage and in the Covid circumstances: a) work visa application based on a market assessment and the inability to find a comparable Canadian candidate; and b) work visa application based on my contribution as a skilled professional to Canada. The second being less resource intensive. It [sic] it works out then the other route can be abandoned mid-way. He noted that to guarantee a result by sometime in Dec latest, and probably earlier, both applications need to be launched simultaneously as soon as possible. The good news is that neither require my presence at any point, and would upon their success guarantee my ability to get a work visa at the border upon my arrival to Canada.

On a call on September 1, the Assistant Dean told Dr. Azarova that she would receive a written contract during the week of September 7 confirming the details of her terms and conditions of employment that had been previously discussed. On September 3, the Assistant Dean wrote to Dr. Azarova to confirm that the hiring process was moving ahead smoothly:

*On Thu, 3 Sep 2020 at 14:08, Alexis Archbold wrote:*

Hi Valentina

Thank you again for meeting with me this week. As we discussed, I am taking several steps at this end to move things forward including: following up with the international law firm about the independent contractor agreement, drafting a summary of the terms of what would be included in a subsequent employment contract, and working with Peter to start the special contribution and LMIA [Labour Market Impact Assessment] processes to obtain your work permit. I have been in touch on all of these fronts and am waiting to hear back. I hope to be in touch to update you very soon.

Best

Alexis

On September 4, the Friday before the Labour Day weekend, the situation suddenly began to change. The chair of the hiring committee, Professor Audrey Macklin, was informed by Assistant Dean Archbold that a sitting Tax Court of Canada judge who is also an alumnus and major donor had contacted a fundraising official at the University. It is not clear how the judge learned about Dr. Azarova's selection as the hiring process was still confidential at that point. Professor Macklin was told the judge expressed objections to Dr. Azarova's appointment because of her work on Israel and Palestine. The Assistant Dean also said the judge would be calling the Dean of the Faculty of Law, Edward Iacobucci. Professor Macklin's notes from that day are as follows:

- a. Assistant Dean [Archbold] contacts me: the director of alumni/advancement (I think Jennifer Lancaster but I'm not sure) received a call from an alum about VA [Valentina Azarova], regarding VA's Israel/Palestine work.
- b. The alum is a tax judge and told the alum/advancement staff member that he intended to call Ed [Dean Iacobucci].
- c. I expressed my alarm and I expressed the hope that Ed would not be influenced by intervention by an alum on U of T hiring.<sup>6</sup>

On September 6 (Sunday of the Labour Day weekend), Dean Iacobucci called Professor Macklin to announce the hiring process was being terminated for two reasons. First, the Dean indicated it was improper to hire Dr. Azarova as an independent contractor before her work permit was secured. Second, he noted that during negotiations with the Assistant Dean, Dr. Azarova requested permission to pursue work overseas during part of the summer vacation period when no courses or programs were running at the law school. He indicated this arrangement would be highly inappropriate. When Professor Macklin raised a concern that Prof. Azarova's work on Israel and Palestine was playing a role in the Dean's decision, the Dean reportedly replied that "it is an issue, but given the other two issues, I don't need to get to the third issue."

6. Excerpts of Professor Macklin's notes were published online by the Globe and Mail on September 23, 2020, "Tax Court judge accused of pressuring U of T law school not to hire human-rights scholar identified."

On September 10, Assistant Dean Archbold wrote to Vincent Wong, the third member of the hiring committee, to inform him of the decision to rescind the offer to Dr. Azarova:

From: Alexis Archbold  
 Sent: Thursday, September 10, 2020 5:27 PM  
 To: Vincent Wong  
 Cc: Audrey Macklin  
 Subject: RE: IHRP Director Update

Hi Vince,

Thanks for checking in. Unfortunately, Valentina's immigration situation turned out to be more complicated than we thought, and the tools at our disposal to address it were fewer than we hoped. As a result, after conferring with senior HR leaders, we concluded yesterday that we cannot proceed with her candidacy. I informed Valentina today. I know this is disappointing news.

We are switching gears very quickly to look again at the Canadian candidates whom we considered. The Dean will be conducting 2nd/3rd round interviews next week.

I will let you know how things go.

Alexis

By videoconference call, the Assistant Dean informed Dr. Azarova that “we hit a wall”. While it was the University that had initially suggested that Dr. Azarova be hired as a consultant, the Assistant Dean now told her that immigration lawyers “indicated very high risks” to the University if it was to engage Dr. Azarova on a short-term consultancy contract. The Assistant Dean also indicated the Program has been without a director for too long to wait until the work permit is available, and that there were other “things going on at the law school” that she did not specify.

On September 11, Professor Macklin resigned from the hiring committee and as chair of the Faculty Advisory Committee of the IHRP. Soon afterwards, the rest of the Faculty Advisory Committee – Professors Vincent Chiao, Anna Su, and Trudo Lemmens – also resigned. On September 12, two former IHRP directors, Carmen Cheung and Samer Muscati, wrote to the Dean to express their concerns about what they viewed as political interference in the hiring process:

We are...alarmed by the sequence of events, which strongly suggests improper external interference by a member of the judiciary in the hiring of the IHRP Director as well as a serious breach of confidentiality in the hiring process. Given that the essential nature of international human rights practice is to hold the powerful to account, any IHRP Director and their work will unavoidably be the subject of criticism from some quarters.

On September 15, the remaining staff at the IHRP, Ashley Major and Vincent Wong, met with Assistant Dean Archbold to discuss IHRP programming for the upcoming year, including the abrupt cancellation of Dr. Azarova's candidacy and the Dean's decision to take over the search process. Concerns were raised about undue and improper interference into the hiring committee's process. Wong expressed his position that Dr. Azarova's offer should be reinstated and asked the Assistant Dean whether there was a possibility that Dean Iacobucci would reconsider his decision. The Assistant Dean replied that it was very unlikely. On September 16, Wong resigned from his paid position as Research Associate:



From: Vincent Wong  
Sent: Wednesday, September 16, 2020 8:54 PM  
To: Alexis Archbold  
Subject: [IHRP] Notice of Resignation  
Importance: High

Dear Alexis,

It is with a heavy heart that I send you this e-mail to convey my resignation from my Research Associate position at the International Human Rights Program with two weeks' notice.

I have put a lot of thought into this decision and it was an incredibly difficult one to make but one that I strongly believe in. When I volunteered to join you and Audrey on the hiring committee to select a new director, I did it in good faith that our process would be fair and transparent and that our choice, given our expertise and institutional knowledge, would be respected. You, Audrey, and I came to the conclusion that Valentina, given her tremendous experience, innovative work, sharp mind, was the consensus number one choice. Consequently, an offer was extended to her.

It is my view that since then, the director search process has not been handled with objectivity, fairness, and transparency. This sudden turn of events and the withdrawal of Valentina's offer raises serious concerns about abuse of process, improper external influence, and academic freedom. I was hoping upon hope that the administration would recognize these serious issues and take steps to redress them, and in particular to reinstate Valentina as the director. However, this does not seem like a realistic possibility. If I am to be completely honest, I feel like trust has been irrevocably broken. As a result, I feel that I must move on from the IHRP.

**Facing mounting criticism, the Dean issued a statement to members of the Faculty of Law on September 17. He denied that an offer of employment was made, and stated that any decision about hiring was not influenced by external pressure:**

From: lawprofs-I All professors at law school on behalf of Deans Office Law  
Sent: Thursday, September 17, 2020, 6:34 PM  
To: LAWPROFS-L@LISTSERV  
Subject: Message from the Dean

Dear Colleagues,

I am writing this letter, which I will share with members of the broader community making inquiries, to offer more details about the search for a non-academic director at the International Human Rights Program. Let me say at the outset that assertions that outside influence affected the outcome of the search are untrue and objectionable. University leadership and I would never let outside pressure to be a factor in a hiring decision.

Searches at this University are and ought to be confidential, but I will say the following. Even the most basic of the conjectures that are circulating in public, that an offer was made and rescinded, is false. While conversations with a candidate had been ongoing, no offer of employment was made because of legal constraints on cross-border hiring that meant that a candidate could not meet the Faculty's timing needs. Other considerations, including political views for or against any candidate, or their scholarship, were and are irrelevant.

As the Dean's advisory committee leading the search understood – and as was stressed to me on several occasions by the non-academic administrator to whom the director would report – the timing needs existed because of the absence of a director at the moment, and the hope that a new director could mount a full clinical and volunteer program for students this academic year. Unfortunately, the opportunity to assess other candidates was derailed by this unnecessary controversy, and the search was cancelled. All candidates, including candidates in the recent search, are more than welcome to apply when the search resumes.

In the meantime, it will be necessary for the Faculty to review the IHRP's plans in the short run without a director in place. We will also consider how best to take the program forward over the long run as well. As one of my colleagues put it, I am confident we can take advantage of this pause to make the International Human Rights Program even more successful than it has been in the past.

Sincerely,  
Edward Iacobucci  
Dean and James M. Tory Professor of Law

**In its official response to a letter written by CAUT Executive Director David Robinson, the University administration echoed the Dean's contention that no offer of employment was made and that outside pressure was not a factor in the decision:**

From: President  
Sent: September 17, 2020 10:19 AM  
To: Monique Cooke  
Subject: Re: Letter from David Robinson, Executive Director, Canadian Association of University Teachers re. Academic Freedom

Good day Mr. Robinson,

Thank you for your message to the Office of the President and for sharing your thoughts and concerns on this matter. Searches at the University of Toronto are confidential and bound by policies and applicable privacy legislation. With respect to a recent search for a non-academic staff member in the International Human Rights Program (IHRP), we can confirm that no offer of employment was made to any candidate, and therefore, no offer was revoked. The Faculty of Law has cancelled the search. No offers were made because of technical and legal constraints pertaining to cross-border hiring at this time. The Faculty of Law will be reviewing program needs, and when and if the search resumes, all candidates are encouraged to apply or re-apply.

Best wishes!  
Rheema Farrell  
Administrative Assistant, Correspondence Unit  
Office of the President  
University of Toronto  
Room 206, 27 King's College Circle  
Toronto, ON Canada M5S 1A1

On October 7, nine faculty in the law school wrote to the Provost of the University of Toronto to express their concerns about how, in their view, the Dean's actions subverted the collegial hiring process:

The Dean of Law wields extraordinary authority for a community that calls itself self-governing. This is the case not only as concerns the IHRP but also as concerns curriculum matters, faculty appointments, and other subjects that are of concern to the law school community. It is, nevertheless, startling that the Dean intervened in the appointment of the IHRP Director without referring the matter back to the hiring committee that identified a short list and interviewed candidates. He took these steps, moreover, by informing rather than consulting with our colleague, Professor Audrey Macklin, who chaired the hiring committee, nor with other colleagues who sit on the IHRP academic advisory committee. Claiming that 'legal constraints on cross-border hiring' barred Dr. Azarova's timely entry into Canada, the Dean would not consider Professor Macklin's advice that her immigration status was eminently solvable, and that the hiring committee had unanimously concluded that there were no qualified Canadians in the pool. No one in a position of authority, it seems, wanted to hear this. For this reason, we view immigration questions, and for that matter allegations that no offer had been made to Dr. Azarova, as pretextual.

On October 14, the University announced an "impartial review" into the affair.<sup>7</sup> On October 15, CAUT issued a statement<sup>8</sup> calling the University's review flawed for not addressing academic freedom concerns or questions about outside interference in the hiring process. Additionally, the report of the review will be delivered to three senior administrators – the Vice-President of Human Resources and Equity, the Dean of Law, and the Provost – who could be implicated by their conduct in the case. Both the Dean and the Vice-President of Human Resources and Equity have publicly declared that no job offer was made to Dr. Azarova, that the decision not to proceed with her candidacy was based on immigration impediments, and that external intervention did not affect the outcome. Moreover, in a message to the law school community, the Dean indicated he requested the review "in order to correct misconceptions and misunderstandings". The combined effect of the public declarations and stated purpose of the review thus appear intended to "correct misconceptions and misunderstandings" in the form of accounts that are inconsistent with the administration's position. This cannot be regarded as impartial.

## Analysis and Conclusions

The central issues at dispute in this case revolve around 4 questions:

- 1) Was an offer of employment made, accepted, and then rescinded?
- 2) Were the University's stated grounds for not proceeding with the hiring of Dr. Azarova pretextual?
- 3) Do principles of academic freedom apply in this case insofar as it involves the appointment of an academic administrator?
- 4) Is there evidence that the hiring process was influenced by outside pressure based upon objections to Dr. Azarova's research and/or political views?

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7. <https://hrandequity.utoronto.ca/memos/statement-on-the-search-process-for-a-director-of-the-international-human-rights-program-at-the-faculty-of-law/>

8. <https://www.caut.ca/latest/2020/10/u-t-investigation-hiring-controversy-flawed-caut>

## 1. Was an offer of employment made, accepted, and rescinded?

The documentary evidence strongly suggests that Dr. Azarova was offered the position on August 11 and accepted on August 19. On the August 11 call, the Assistant Dean discussed salary, pension, starting date, and term of the contract. Dr. Azarova agreed to these initial terms on August 19. Subsequent e-mail exchanges between the Assistant Dean, Dr. Azarova, and the immigration lawyer clearly demonstrate that the parties were seeking to negotiate the final details of a written contract and to obtain the appropriate work permit. In her September 3 e-mail, the Assistant Dean is explicit that she is “drafting a summary of the terms of what would be included in a subsequent employment contract.”

Based upon the evidence, it can be reasonably concluded that the University and Dr. Azarova entered a verbal employment contract on August 19. The subsequent decision to not proceed with her hiring amounted to a breach of that verbal contract.

Even if no offer had been made, however, this would not diminish concerns about external influence over the hiring process. While the Dean and members of the hiring committee disagree about whether Dr. Azarova was offered the directorship, and the determination of that would have potential legal implications under employment law, it would nevertheless remain unacceptable and a violation of academic freedom if external pressure affected the outcome of the search process.

## 2. Were the University’s grounds for not proceeding with the hiring of Dr. Azarova pretextual?

The University claims that the decision to end employment discussions with Dr. Azarova was due to immigration-related complications. Principally, the University indicated that the plan to hire Dr. Azarova as an independent contractor until her immigration status was secured was “improper”. This is even though it is the University that requested and initially approved the arrangement.

In her e-mail of September 3 to Dr. Azarova, the Assistant Dean states that she is “following up with the international law firm about the independent contractor agreement.” It is therefore conceivable that legal counsel may have subsequently raised previously unidentified issues about the arrangement, although specifics about its legality were not provided to Dr. Azarova. Even if the plan to engage Dr. Azarova temporarily as an independent contractor was deemed to be a problem, however, it would be difficult to see this as a justifiable reason for terminating the hiring process entirely. The immigration lawyer indicated Dr. Azarova would receive her work permit within two to three months at most. The position had been vacant for over a year and interviews were not completed until the end of July. It seems suspect that the University in early September was now insisting that it could not proceed with Dr. Azarova’s appointment because she could not start immediately. It is highly improbable that another candidate would be available to commence work within this time frame. In fact, less than a week after Dr. Azarova was informed that the offer was being revoked, the Dean announced that the search for a new Director would be suspended. If the consultancy proposal was an issue, why was the University unwilling to wait for two or at most three months for Dr. Azarova to obtain her work permit?

The second element of the Dean’s rationale relates to Dr. Azarova’s request that she be able to be absent from campus to continue her international human rights work during part of the summer vacation period when no courses or programs were running at the law school. The Dean cited this as improper. If this were indeed inappropriate, however, should not have Dr. Azarova been informed and asked to decide whether she would accept giving up this request? Instead of engaging in further negotiations on this matter, the Dean simply decided to stop the hiring process in its tracks. Neither rationale for ending talks with Dr. Azarova seems plausible.

### 3. Do principles of academic freedom apply in this case involving the appointment of an academic administrator?

In its e-mail response to the Executive Director of CAUT on September 17 and in subsequent public communications, the University has emphasized that the Director of the IHRP is a “non-academic staff” position. This seems to imply that principles of academic freedom do not apply. In their September 12 letter to the Dean, the former directors of the IHRP echo this when they assert that: “As a staff appointment, the position of IHRP Director does not confer academic freedom.” The Director position, as noted above, is administrative, but also includes teaching and research components.

CAUT has addressed this issue in its Policy Statement on Academic Freedom for Academic Administrators.<sup>9</sup> The policy clearly rejects any distinction between the protections for academic freedom enjoyed by ordinary faculty members and that of those serving in administrative posts. The statement describes academic freedom as “indivisible and undiminished in all academic and public settings, whether or not these settings are aligned primarily with teaching, research, administration, community service, institutional policy, or public policy.” There is no valid distinction to be made between the academic freedom rights of academic administrators and those of all other members of the faculty. Academic administrators must be able to rely on the same protections in their academic activities as those in non-administrative academic positions.

### 4. Is there evidence that the hiring process was influenced by outside pressure based upon Dr. Azarova’s research and/or political views?

The sequence of events clearly shows that the hiring process was proceeding smoothly prior to September 4 when the University was contacted by the judge and donor. The Assistant Dean, as late as September 3, was proceeding with drafting a written contract and ensuring the work permit process was underway. The Dean’s subsequent rationale for rescinding the job offer, as discussed above, is not credible and appears to be pretextual.

The Dean has not denied that he was contacted by the judge, although the details of that conversation are not known publicly. The Dean admitted to Professor Macklin that Dr. Azarova’s research on Israel’s occupation of the Palestinian Territories was “an issue”, but not one that he needed to address because of the purported immigration and work permit issues. However, if the immigration issues were pretextual, then one is left to conclude that Dr. Azarova’s research and advocacy around Israel and Palestine were a determining factor in the Dean’s decision.

Based on a balance of probabilities, there is reasonable evidence to conclude that the rescinding of Dr. Azarova’s appointment was motivated by her research and political views regarding Israel and Palestine. On this basis, the CAUT Academic Freedom and Tenure Committee concludes that her academic freedom as defined in CAUT policy was violated, and collegial hiring practices in the Faculty of Law were breached.

9. <https://www.caut.ca/about-us/caut-policy/lists/caut-policy-statements/policy-statement-on-academic-freedom-for-academic-administrators>

## CAUT Procedures in Academic Freedom Cases

### 1

CAUT will consider all cases of alleged violations of academic freedom brought to its attention. Concerns about violations of academic freedom should be brought to the attention of the executive director. In cases where attention by CAUT seems justified, the executive director will notify the president and the chair of the Academic Freedom and Tenure Committee and will expeditiously take steps to determine whether there is a prima facie basis for further action. The executive director will provide the president and the chair of the Academic Freedom and Tenure Committee a list of all other requests brought to his attention. All requests brought to the executive director, president and chair of the Academic Freedom and Tenure Committee that are not expeditiously dealt with will be referred to the Academic Freedom and Tenure Committee.

### 2

If it appears to be useful, the executive director may attempt to assist the affected parties and the institution in arriving at a satisfactory resolution of the situation.

### 3

If the alleged violation is serious and if a satisfactory resolution of the matter does not seem to be possible through informal negotiation, the executive director, in consultation with the president, the chair of the Academic Freedom and Tenure Committee, and others as appropriate, will undertake one or more of the following as is most suitable to help bring about the conditions for a fair resolution of the matter:

- a) cause the situation to be brought to public attention;
- b) request that the CAUT Executive authorize an independent committee of inquiry to investigate and issue a public report on the matter (see 5 below);
- c) establish an ad hoc investigatory committee that will look into the situation and report to CAUT through the Academic Freedom and Tenure Committee (see 6 below).

### 4

In all instances where a CAUT local association exists at the institution where the alleged violation of academic freedom occurred, the executive director will consult with the local association where there appears to be prima facie basis for further action, to determine whether remedies may be available under the collective agreement. If any of the follow-up actions under 3(b) or 3(c) are being considered, the assistance of the local association will be sought with reference to work of a committee of inquiry or an ad hoc investigatory committee.

### 5

Where an independent committee of inquiry is authorized by the CAUT Executive (see 3b), the following guidelines will apply:

- a) The members and a chairperson of the independent committee of inquiry will be appointed by the CAUT Executive upon the recommendation of the president, chair of the Academic Freedom and Tenure Committee and the executive director. Normally, independent committees of inquiry will consist of two or three members, with one designated as chair.
- b) Independent committee of inquiry members will serve without remuneration except for expenses.
- c) The committee will be provided with terms of reference that pose specific questions to be addressed. The terms of reference will be developed by the president, the chair of the Academic Freedom and Tenure Committee and the executive director.

- d) The committee will seek to review fully and fairly the matters it has been appointed to investigate and will prepare a report which will be published by CAUT in its entirety as delivered and in a timely manner, subject to the final report of the committee having been previously reviewed by the committee's legal counsel. CAUT will hold the committee members harmless from any legal actions that arise as a result of their work on the committee of inquiry.
- e) The committee has no statutory powers and no authority to compel individuals to participate in its inquiry. To ensure that it is fully informed with regard to the matters under review, the committee will rely on the cooperation of everyone concerned. Anyone who chooses to be interviewed by the committee may be accompanied by a colleague or an advisor.
- f) The committee will begin by reviewing the documentary record available to it upon its appointment, and will seek further information from individuals in a position to have relevant information by inviting them to meet with it and to submit documents.
- g) Persons interviewed by the committee will be provided with a statement of matters under investigation in advance of the interview. Persons interviewed will be permitted to make a statement to the committee and to raise issues that they consider relevant, subject to the right of the committee to decide, having been provided an opportunity for arguments to the contrary, that particular matters are not relevant to its terms of reference.
- h) Committee members will take notes during interviews and interviews may be recorded where the person being interviewed consents.
- i) To ensure fairness to persons potentially affected in a material adverse way by findings in the committee's report, a fair summary of the information upon which such findings could be based will be provided in confidence to such persons reasonably in advance of the publication of the committee's report.
- j) At any stage in its inquiry, the committee in its discretion may request further information or clarification from individuals who have been interviewed or made written submissions, from those mentioned by witnesses or in submissions, or from other persons, by way of either a written statement or an interview with the committee.
- k) All documents received by, or produced by, the independent committee of inquiry shall remain the property of the independent committee of inquiry and the chairperson shall be responsible for arranging the safe keeping of all such materials
- l) The CAUT Executive shall consider any recommendations made by the committee.

## 6

Where an ad hoc investigatory committee (see 3c) is constituted, the following guidelines apply:

- a) The members will be appointed by the executive director in consultation with the president and the chair of the Academic Freedom and Tenure Committee. Normally, ad hoc investigatory committees will consist of two or three members, with one designated as chair.
- b) Members will serve without remuneration except for expenses. CAUT will hold the committee members harmless from any legal actions that arise as a result of their work on the ad hoc investigatory committee.
- c) The committee will be provided with terms of reference that pose specific questions to be addressed. The terms of reference will be developed by the president, the chair of the Academic Freedom and Tenure Committee and the executive director.
- d) The committee will seek to review fully and fairly the matters it has been appointed to investigate and will prepare a report to CAUT in a timely manner.
- e) The committee has no statutory powers and no authority to compel individuals to participate in its inquiry. To ensure that it is fully informed with regard to the matters under review, the committee will rely on the cooperation of everyone concerned. Anyone who chooses to be interviewed by the committee may be accompanied by a colleague or an advisor.
- f) The committee will begin by reviewing the documentary record available to it upon its appointment. Further relevant information from individuals will be sought by inviting them to meet with the committee and to submit documents.

- g) Persons interviewed by the committee will be provided with a statement of matters under investigation in advance of the interview. Persons interviewed will be permitted to make a statement to the committee and to raise issues that they consider relevant, subject to the right of the committee to decide, having been provided an opportunity for arguments to the contrary, that particular matters are not relevant to its terms of reference.
- h) Committee members will take notes during interviews and interviews may be recorded where the person being interviewed consents.
- i) As soon as possible after receipt of the report of the ad hoc investigatory committee, the executive director will review it and communicate with the committee regarding any suggestions for revision.
- j) To ensure fairness to persons potentially affected in a material adverse way by findings in the committee's report, the executive director will send a fair summary of the information upon which such findings could be based to such persons, allowing a reasonable time for them to respond. The executive director will then invite the ad hoc investigatory committee to revise its report in light of the comments received.
- k) The committee's draft report will be transmitted to the Academic Freedom and Tenure Committee which may request further revisions. Following consideration of the Academic Freedom and Tenure Committee's request, the committee's final report will be submitted to the Academic Freedom and Tenure Committee for final review.
- l) All documents received by, or produced by, the ad hoc investigatory committee shall be and remain the property of CAUT, and CAUT shall be responsible for arranging the safe keeping of all such materials.
- m) Following the Academic Freedom and Tenure Committee's final review and authorization, CAUT will publish the report unless the nature of the case is one that could be resolved through discussions with the parties concerned.
- n) In such a situation, CAUT will actively explore resolution of the matter with the parties concerned. A report of discussions with the parties will be made to the Academic Freedom and Tenure Committee that will determine if the report is to be published.
- o) When a report is published, the members of the ad hoc investigatory committee will be listed as authors of the published report unless they withhold their names because of disagreement with changes requested by the Academic Freedom and Tenure Committee or as a result of comments from the parties potentially affected in a material adverse way.

## 7

The president and executive director will report on the status of all outstanding academic freedom cases at each meeting of the Executive Committee and at each meeting of the Academic Freedom and Tenure Committee.

**Approved by CAUT Council, May 2011.**



## 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.

**Approved by the CAUT Council, May 1970; revised May 1975, May 1984.  
Editorial revisions March 1998; revised, November 2002.  
Editorial revisions February 2008.**



Canadian Association of University Teachers  
Association canadienne des professeurs et professeurs d'université



September 16, 2020

BY EMAIL: [president@utoronto.ca](mailto:president@utoronto.ca)

Dr. Meric S. Gertler  
President  
University of Toronto  
27 King's College Circle  
Room 206  
Toronto, Ontario  
M5S 1A1

Dear President Gertler:

The Canadian Association of University Teachers (CAUT) has been informed that the Faculty of Law at the University of Toronto has rescinded an offer of employment to Dr. Valentina Azarova as Director of the International Human Rights Program (IHRP). According to information I have received, including discussions with Dr. Azarova, it appears the decision to cancel her appointment was politically motivated, and as such would constitute a serious breach of widely recognized principles of academic freedom.

Following the unanimous recommendation of the hiring committee, the Faculty of Law offered Dr. Azarova the position of IHRP Director by a video conference call on August 11, 2020. She accepted the offer on August 19. She was subsequently informed by the University that it would take approximately three months for her to obtain a Canadian work permit. In the interim, the Faculty of Law proposed to hire Dr. Azarova as a foreign consultant, so that she could immediately prepare for her role as Director. On August 24, Dr. Azarova spoke with an immigration lawyer provided by the University to discuss her work permit and was assured that there were no issues and the application would be completed on time.

On or about September 4, the chair of the hiring committee was informed that a concern about Dr. Azarova's appointment had been received by the Faculty's chief fundraiser. It is alleged that a sitting judge and alumnus of the Faculty questioned Dr. Azarova's appointment based on the work she has done on human rights in Israel and Palestine. On September 6, Dean Iacobucci contacted the chair of the hiring committee to announce the hiring process was being terminated. The Dean claimed the decision was motivated by immigration issues that had arisen. These issues could be easily resolved, such that the real rationale appears to be the criticism raised around Dr. Azarova's work on Israel and Palestine.

As you are aware, academic freedom is the foundational value of all universities in Canada. The University of Toronto's Statement of Institutional Purpose (1992) describes the central importance of academic freedom as follows:

Within the unique university context, the most crucial of all human rights are the rights of freedom of speech, academic freedom, and freedom of research. And we affirm that these rights are meaningless unless they entail the right to raise deeply disturbing questions and provocative challenges to the cherished beliefs of society at large and of the university itself. It is this human right to radical, critical teaching and research with which the University has a duty above all to be concerned; for there is no one else, no other institution and no other office, in our modern liberal democracy, which is the custodian of this most precious and vulnerable right of the liberated human spirit.

An institution of higher learning fails to fulfill its purpose and mission if it accedes to outside pressure or asserts the power to proscribe ideas, no matter how controversial. This would create an environment inimical to the free and vigorous exchange of ideas necessary for teaching and learning.

Based on the information I have received, the decision to rescind Dr. Azarova's appointment – which CAUT considers as tantamount to dismissal – represents a grave violation of her academic freedom as well as principles of due process. I urge you to immediately take steps to resolve this matter by re-starting the hiring process with Dr. Azarova. The University of Toronto has a positive obligation to uphold and protect academic freedom. Failure to act swiftly risks causing irreparable reputational damage.

Given that this matter implicates principles of academic freedom, CAUT will monitor the situation closely and, subject to any additional information you may provide, will consider appropriate actions to take consistent with our relevant policies and procedures. This includes referring the case to the CAUT Academic Freedom and Tenure Committee for their consideration. In the meantime, I look forward to hearing your response.

Sincerely,



David Robinson  
Executive Director

cc: Brenda Austin-Smith, CAUT President ([brenda.austin-smith@umanitoba.ca](mailto:brenda.austin-smith@umanitoba.ca))  
Alison Hearn, Chair, CAUT Academic Freedom and Tenure Committee ([ahearn2@uwo.ca](mailto:ahearn2@uwo.ca))  
Terezia Zoric, President, University of Toronto Faculty Association ([zoric@utfa.org](mailto:zoric@utfa.org))



Canadian Association of University Teachers  
Association canadienne des professeurs et professeurs d'université



October 16, 2020

**BY EMAIL: [president@utoronto.ca](mailto:president@utoronto.ca)**

Dr. Meric S. Gertler  
President  
University of Toronto  
27 King's College Circle  
Room 206  
Toronto, ON  
M5S 1A1

Dear President Gertler:

At its meeting yesterday, the CAUT Executive Committee voted unanimously to bring a motion to the November 27 CAUT Council that the administration of the University of Toronto be censured for its actions related to the decision to cancel the hiring of Dr. Valentina Azarova. According to CAUT's "Procedures Regarding Censure", which I have enclosed for your information and reference, the motion before Council will be to give notice to the University of Toronto's administration that unless Dr. Azarova's situation is suitably resolved, censure will be imposed at the Council meeting in April, 2021.

The decision to commence censure proceedings is not taken lightly and follows a thorough review of the facts of the case by the CAUT Academic Freedom and Tenure Committee. The Committee has unanimously concluded that the cancellation of Dr. Azarova's appointment was politically motivated, and as such represents a serious breach of academic freedom.

As you are aware, censure is a rarely used sanction and reserved only for those instances in which an administration acts in a way that threatens fundamental principles of academic freedom and tenure, collegial governance, and the integrity of the academic profession. The University of Toronto can immediately avoid censure if it restores the offer of the Directorship of the IHRP to Dr. Azarova.

Whenever CAUT considers censure of an administration our goal is to get problems resolved before censure is imposed. I would therefore be pleased to discuss ways that we might find a mutually acceptable resolution to this dispute so that the University of Toronto can avoid becoming the only institution in Canada under censure. It is everyone's interest that we do so.

---

October 16, 2020

I look forward to your reply.

Sincerely,



David Robinson  
Executive Director

cc: Brenda Austin-Smith, CAUT President ([brenda.austin-smith@umanitoba.ca](mailto:brenda.austin-smith@umanitoba.ca))  
Alison Hearn, Chair, CAUT Academic Freedom and Tenure Committee ([ahearn2@uwo.ca](mailto:ahearn2@uwo.ca))  
Terezia Zoric, President, University of Toronto Faculty Association ([zoric@utfa.org](mailto:zoric@utfa.org))

Enclosure



UNIVERSITY OF  
TORONTO

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(2020-11)

OFFICE OF THE

Meric S. Gertler, CM, FRSC, I

89  
COUNCIL  
CONSEIL

October 20, 2020

Mr. David Robinson  
Executive Director, Canadian Association of University Teachers  
2705 Queensview Drive  
Ottawa, ON K2B 8K2

Dear Mr. Robinson;

Thank you for your correspondence dated October 16, 2020. This letter is intended to acknowledge receipt. Please anticipate a further response in due course.

Sincerely,

Meric S. Gertler  
President





October 29, 2020

Mr. David Robinson  
Executive Director, Canadian Association of University Teachers  
2705 Queensview Drive  
Ottawa, ON K2B 8K2

Dear Mr. Robinson:

On behalf of the University of Toronto I am writing in response to your letter of October 16, 2020 in which you indicate that the CAUT Executive Committee, after “a thorough review of the facts of the case by the CAUT Academic Freedom and Tenure Committee”, intends to bring a motion before CAUT Council on November 27, 2020 to impose “censure” on April 21, 2021 unless demands are met regarding an internal hiring process at the University of Toronto’s Faculty of Law for a new Director of the International Human Rights Program.

I am attaching for your information a public statement I released on October 29, 2020, which speaks directly to the concerns that some have raised about the independence, impartiality, and transparency of the review process. As you will see, I have announced:

- That the Patterson review will now report to me directly, and that Professor Patterson will submit her written report to me by mid-January at the latest.
- That I undertake to make the full report and its recommendations public, subject only to respecting the privacy of individual candidates involved in the search process.

These changes reflect the University of Toronto’s commitment to a full, fair, and transparent review to establish the facts in the case of a candidate who was recommended by the Search Committee to become the new Director of the International Human Rights Program.

I am disappointed that the CAUT would choose to act before the independent external review has been completed, as it is intended to establish the facts pertaining to this matter and make recommendations to the University. As I have made clear in my statement, I am undertaking to make the full report public, subject only to protecting the privacy of individual candidates in the search process. As you know, universities routinely give such a guarantee to candidates who choose to compete in a search.

I hope the changes that I have announced will reassure you and your colleagues of the University of Toronto’s strong commitment to undertake a fair, impartial and transparent review to establish the facts of what happened. I hope as well that you and your colleagues will choose to wait for the evidence that I have committed to make public, before deciding whether or not to proceed with any further steps.

Thank you for your offer to engage in a discussion of this issue. I suggest that we wait until I have received and made public the report of Professor Patterson. Since I expect her report will provide a comprehensive account of the relevant facts pertaining to this matter, it will provide important common ground for a discussion between us.

Let me assure you that the University of Toronto remains deeply committed to upholding the academic freedom of its faculty members and librarians. The University takes this responsibility extremely seriously and will take appropriate action in any case where the facts, fairly determined, warrant it.

Sincerely,

A handwritten signature in black ink, appearing to read "Meric Gertler". The signature is fluid and cursive, with the first name "Meric" and last name "Gertler" clearly distinguishable.

Meric Gertler  
President



October 29, 2020

**Statement on the External Review of the Search Process  
for a Director of the International Human Rights Program at the Faculty of Law**

I have followed with deep concern the controversy surrounding the recent search for a new Director of the International Human Rights Program, an administrative staff position in the Faculty of Law. Allegations have been made that a candidate's academic freedom has been breached by the alleged rescinding of an offer for her to be employed as Director. Additional concerns about particular aspects of the search process have also been raised.

Let me underscore, as I have said often during my term as president, that academic freedom is a fundamental value of the University of Toronto. Any suggestion that academic freedom has been violated must be treated with the utmost gravity. It is also critically important that the integrity of our search processes be upheld. Hence, it is imperative that these concerns be thoroughly and fairly reviewed to establish the facts.

In response to these concerns, the Vice-President of Human Resources and Equity announced that an external review would be undertaken by Professor Bonnie Patterson, CM, OOnt, MLS, LL.D, ICD.D, a highly respected consultant in higher education and governance. Professor Patterson is former President of the Council of Ontario Universities and former President and Vice-Chancellor of Trent University.

Some have raised questions about the independence, impartiality, and transparency of the review as originally structured. I have heard these concerns.

To remove any doubts, I am announcing:

- First, that the Patterson review will now report to me directly, and that Professor Patterson will submit her written report to me by mid-January at the latest.
- Second, I undertake to make the full report and its recommendations public, subject only to respecting the privacy of individual candidates involved in the search process.

The terms of reference for the review, which provide for a thorough, fair, and evidence-based review of the search process, will remain the same. They ask the external reviewer to provide:

- A comprehensive factual narrative of events pertaining to the search committee process;
- A report on the basis for the decision to discontinue the candidacy of the search committee's preferred candidate; and
- Her conclusions on whether existing University policies and procedures were followed in this

search, including those relating to confidentiality obligations in search processes.

While participation in this review is voluntary, if anyone is asked by the reviewer to be interviewed, I urge them to participate.

The University of Toronto remains deeply committed to academic freedom. It is important that we now await the results of the comprehensive review that will establish the facts of what happened and make recommendations to the University in a report to me that will be made public.

Sincerely,

A handwritten signature in black ink, appearing to read "Meric Gertler". The signature is fluid and cursive, with the first name "Meric" and last name "Gertler" clearly distinguishable.

Meric Gertler  
President

September 12, 2020

Professor Edward Iacobucci, Dean  
University of Toronto Faculty of Law  
78 Queens Park  
Toronto, Ontario  
Canada

*Via email*

Dear Dean Iacobucci:

We write as former Directors of the International Human Rights Program at the Faculty of Law. On Friday, we learned that Professor Audrey Macklin had resigned her position as chair of the IHRP's Faculty Advisory Committee and of the circumstances giving rise to her resignation.

As the human rights community in Canada and elsewhere have been acutely aware, the IHRP has been without a permanent director for over a year. During that time, the Faculty of Law has initiated two searches for a Director with the international human rights background and expertise necessary to steer the program. As a result of the most recent search, the hiring committee, chaired by Professor Macklin, identified two viable candidates for the position. The hiring committee advised the Faculty that should neither of these candidates accept the position, there were no further options from the current pool and it would be a failed search.

Happily, Dr. Valentina Azarova – the hiring committee's top candidate – accepted the Faculty's offer in mid-August. Dr. Azarova's human rights practice in domestic and international settings over the past 15 years has been wide-ranging and impressive. She has carried out strategic litigation, legal advocacy, and legislative reform. She has worked to establish human rights enforcement mechanisms in Europe and beyond, and has regularly advised and consulted for United Nations fact-finding missions and mandate-holders, governments, and civil society. She has taught international law and international human rights law since 2009, and established and taught clinical offerings since 2012. She holds a doctoral degree from the Irish Centre for Human Rights at NUI Galway, and has lived and worked in the Middle East and Africa.

The IHRP's most recent Director, Samer Muscati, immediately began working to help Dr. Azarova understand the duties of the Director and the foci areas of the IHRP to date. In the meantime, the Faculty of Law put Dr. Azarova in touch with immigration counsel to advise her on her options for securing a permit to work in Canada, and Dr. Azarova began planning to move with her partner from Germany to Toronto, where her stepchildren reside. In early September, however, Professor Macklin was advised that the Faculty had been contacted by a judge of the Tax Court of Canada, who had expressed concern about Dr. Azarova's scholarship on the operation of international law in the context of Israel's occupation of the Palestinian Territories. Shortly thereafter, Dr. Azarova's offer was rescinded by the Faculty. It is now our understanding that starting this week, you will be interviewing candidates already deemed by the hiring committee as unsuitable for the position of IHRP Director.

We recognize that it is the Dean's prerogative to make the ultimate decision with respect to hiring at the Faculty of Law. We expect, however, that such decisions be made in good faith. We are therefore alarmed by the sequence of events, which strongly suggests improper external interference by a member of the

judiciary in the hiring of the IHRP Director as well as a serious breach of confidentiality in the hiring process. Given that the essential nature of international human rights practice is to hold the powerful to account, any IHRP Director and their work will unavoidably be the subject of criticism from some quarters. As a staff appointment, the position of IHRP Director does not confer academic freedom. The IHRP Director's security of tenure is particularly vulnerable, and the Faculty of Law should stand as a bulwark against external pressures to the IHRP's work. Instead, the facts suggest that your office has caved to political pressure.

If the Faculty of Law chooses to install a new IHRP Director from a pool of candidates that the hiring committee has already rejected as unsuitable and unqualified for the position, it will send the message that the University of Toronto's law school has little interest in providing a serious experiential learning program in international human rights practice, at a time when the need for lawyers committed to preserving and advancing fundamental freedoms at home and abroad is greater than ever. Such a step would diminish the reputation of the Faculty of Law and irrevocably damage the reputation of the IHRP and all those associated with it.

Instead, we urge you to renew the Faculty's offer to Dr. Azarova, whose breadth of practice and depth of expertise would be a tremendous contribution to the student experience, and whose reputation and networks in the global human rights community would bring credibility to the IHRP and the University of Toronto. We understand that her immigration status may result in some delay before she can formally start at the IHRP. However, we believe that after a 12-month search and the interests at stake, she is worth a few months' wait.

Sincerely yours,

Carmen Cheung and Samer Muscati



(VIA EMAIL: [deansoffice.law@utoronto.ca](mailto:deansoffice.law@utoronto.ca))

September 13, 2020

Dean Edward Iacobucci  
University of Toronto, Faculty of Law  
Jackman Law Building  
78 Queen's Park  
Toronto, ON M5S 2C5

Dear Dean Iacobucci,

**Re: Concerns Regarding Interference in Hiring Process for the IHRP's New Director**

We are the co-chairs of the International Human Rights Program (IHRP) Alumni Steering Committee, representing hundreds of alumni of the Faculty of Law and the IHRP. We are writing you over the weekend about a sensitive matter – the hiring process for the IHRP's new Director – because we are concerned that, unless prompt action is taken, the reputations of both the IHRP and the law school may be seriously harmed.

We were surprised and disappointed to learn, on Friday, September 11, that Professor Audrey Macklin resigned from her position as Chair and Member of the Faculty Advisory Committee due to her principled concerns about the hiring process for the new IHRP Director. Having now learned about the circumstances that led to Prof. Macklin's resignation, we agree with the principled position she has taken. Prof. Macklin has provided steadfast and invaluable leadership of the IHRP for many years and we know she has the best interests of the law school and its students at heart. We urge you to address the concerns that led her to take the dramatic step of resigning from her role as Chair.

We understand that a decision was made to override the unanimous decision of the hiring committee in the selection of the IHRP's new Director. This was done *after* the successful candidate received an offer and accepted it, while the parties were in the process of negotiating a contract and resolving immigration issues. We understand that mere days before the hiring process was terminated, an alumnus and sitting judge contacted the Faculty's administration to raise concerns about the candidate's work relating to Israel and international law (which is one of her many areas of expertise within the field of international law).

We are not writing to interfere in the selection process for the new Director. To the contrary, our concerns arise from the *impropriety* of such interference by alumni, and the need to ensure real and perceived independence in the decision-making process which was undertaken by those with expertise in international law as well as the operational needs of the IHRP.

Irrespective of whether the alumnus and sitting judge in question actually influenced your decision to withdraw the offer, there is a perception of influence given the timing and circumstances precipitating the withdrawal of the offer. The mere perception of interference has

the potential to undermine the integrity of the Faculty of Law's hiring process and the reputation and future work of the IHRP.

With respect to the Faculty of Law's hiring process, we understand that this process was intended to be confidential. We fail to understand how an external party with no obvious connection to the IHRP was made aware of the decision such that he felt it would be appropriate to express substantive views even after an offer had been made and accepted. In this regard, it is relevant to note that the sitting judge in question was a longtime donor to the law school, who has been publicly recognized and profiled by the law school as such, which raises perceptual concerns about the influence of donors on what should be independent and autonomous university decisions.

If this situation is not quickly resolved, it also runs the risk of damaging the professional reputation of the sitting judge. The judge in question held prominent political advocacy positions for many years up to his appointment in 2019, and the concerns he expressed about the successful candidate appear to be a continuation of the political advocacy he undertook prior to his appointment to the bench, albeit through back channels. The IHRP is a frequent intervenor before the courts, including on issues relating to international law about which this sitting judge appears to have expressed views. The perception that a sitting judge may have influenced (or attempted to influence) the selection of the director of the IHRP for political reasons could be very damaging, both to the sitting judge and for the IHRP.

At the end of the day, we believe there is a clear path to resolve these controversies and mitigate any harm to the Faculty of Law's reputation: Respect the unanimous decision of the hiring committee and work to resolve any outstanding logistical issues including regarding the successful candidate's immigration status. This alone will avoid the perceptions of outside influence and improper decision-making outlined above. We are concerned that any other way forward will necessarily draw attention to the fact that the successful candidate's offer was withdrawn after having been accepted and will, in turn, lead to significant public controversy which ultimately undermines the IHRP.

As IHRP alumni, we are prepared to lend our assistance to bridging initiatives that enable the IHRP to continue operating while immigration issues are resolved.

We would be happy to discuss our concerns further with you at your convenience. We note that, due to our above-detailed concerns regarding the resulting reputational harm, we have not engaged the wider IHRP alumni community on this issue at this time. Our hope is that the issue can be resolved without the need for broader alumni engagement.

Sincerely,

Louis Century and Morgan Sim  
Co-Chairs  
IHRP Alumni Steering Committee



# Lawyers' Rights Watch Canada

*NGO in Special Consultative Status with the Economic and Social Council of the United Nations*

[www.lrwc.org](http://www.lrwc.org); [lrwc@lrwc.org](mailto:lrwc@lrwc.org); Tel: +1-604-736-1175

126-1644 Hillside Avenue, PO Box 35115 Hillside, Victoria BC Canada V8T 5G2

30 September 2020

Dean Edward Iacobucci  
University of Toronto Faculty of Law  
78 Queens Park  
Toronto, ON, M5S 2C5  
Email: [deansoffice.law@utoronto.ca](mailto:deansoffice.law@utoronto.ca)

Dear Dean Iacobucci,

## **Re: Canada: International Human Rights Program, U of T Faculty of Law**

I write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research, and education. LRWC is a volunteer-run non-governmental organization (NGO) in Special Consultative Status with the Economic and Social Council of the United Nations.

LRWC has been monitoring reports about the recruitment process for a Director of the University of Toronto's International Human Rights Program (IHRP). We note with concern recent allegations that the decision of the hiring committee to hire the respected international human rights scholar Dr. Valentina Azarova was rescinded by the University after a verbal offer and acceptance were made, and after both the University and Dr. Azarova had taken steps to implement the details of that agreement.

Reportedly, the decision to rescind the verbal agreement was made after external pressure from a donor to the University who expressed concern about Dr. Azarova's research on international human rights and international humanitarian law related to Israel and Occupied Palestinian Territories. It has been reported that the external pressure came from a sitting judge of the Tax Court of Canada. We understand that complaints about the judge's conduct have been made to the Canadian Judicial Council.

If the allegations are true, the University is in violation of a core tenet of the *Universal Declaration of Human Rights* (UDHR) that:

... every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their

universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.<sup>1</sup>

The *International Covenant on Civil and Political Rights*,<sup>2</sup> which guarantees the right to freedoms of opinion and expression,<sup>3</sup> states that “the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant...”

We also draw your attention to the UN Declaration on Human Rights Defenders,<sup>4</sup> a consensus resolution of the UN General Assembly adopted in 1998. In addition to setting out duties of States, Articles 10, 11, and 18 of the Declaration specifically recognize “the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels.”

Article 11 states that:

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms.

Article 18 states:

Individuals, groups, institutions and non-governmental organizations also have an important role and responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Right and other human rights instruments can be fully realized.

Given that the IHRP is a clinical program, we also draw to your attention to the the UN *Basic Principles on the Role of Lawyers*<sup>5</sup> which safeguard legal practitioners’ freedoms of speech and of association. Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of

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<sup>1</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Preamble, available at: <https://www.un.org/en/universal-declaration-human-rights/>.

<sup>2</sup> UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>3</sup> *Ibid*, Article 19.

<sup>4</sup> UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms : resolution / adopted by the General Assembly*, 8 March 1999, A/RES/53/144, available at: <https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

<sup>5</sup> United Nations, *Basic Principles on the Role of Lawyers*, Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, September 1990, online: 7 September 1990, available at: <https://www.ohchr.org/en/professionalinterest/pages/roleoflawyers.aspx>

matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

The Basic Principles are also clear that legal practitioners should be free from intimidation, hindrance, harassment, and other interference in carrying out their advocacy (Article 16).

The legal profession and legal academic communities have an important role to play in ensuring respect for international human rights law and international humanitarian law. Unpopularity of the implications of international law within some sectors of society is an illegitimate reason for failure to uphold it.

We respectfully suggest that the University of Toronto undertake an urgent review led by an independent, external investigator to determine the facts and to make its findings public. Given the controversial nature of this matter, such an investigator should be agreeable both to the University and to the individual academics involved.

We look forward to your substantive response.

Sincerely,

*<signed electronically>*

Lawyers' Rights Watch Canada  
Catherine Morris, Executive Director

cc. Dr. Meric S. Gertler  
President  
University of Toronto  
27 King's College Circle, Room 206  
Toronto ON Canada  
M5S 1A1  
Email: [president@utoronto.ca](mailto:president@utoronto.ca), [morgan.russell@utoronto.ca](mailto:morgan.russell@utoronto.ca)



# UNIVERSITY OF TORONTO

## FACULTY OF LAW



*78/84 Queen's St. W.  
Toronto, Ontario M5S 2C5 Canada*

October 7, 2020

Vice President and Provost Cheryl Regehr,  
Office of the Vice-President & Provost  
University of Toronto  
27 King's College Circle  
Simcoe Hall, Suite 225  
Toronto, ON

Dear Provost Regehr,

We write to register our concerns about the aborted hiring of a Director for the International Human Rights Program (IHRP) at the Faculty of Law. We know that you have heard from various constituencies outside the law school protesting the decision of the Dean of the Faculty of Law and urging an independent inquiry. These interventions have adequately laid out the publicly available facts to warrant such an inquiry. We want, instead, to provide a perspective from inside the law school that helps to explain governance failures at the University of Toronto.

So far, the Faculty and University response to this crisis has been to 'deny, deflect blame, and move on.' This strategy of large institutions and powerful individuals is played out in the news with regularity. The corrosive consequences for academic culture of an effort to minimize the controversy and make it disappear have been on full display. One might have hoped for better from an institution of higher learning, especially the University of Toronto. It is especially concerning that these events occurred under the authority of the Faculty of Law.

Maintaining, for instance, that Faculty's 'timing needs' could not be satisfied is far from satisfactory. Terms of employment were in the process of being negotiated when the Dean declared that Dr. Azarova would not be hired to direct the IHRP. We do not understand how this decision could speed up hiring of a new IHRP Director, particularly in the circumstances of a pandemic, where most or all of her work would be done remotely. While we are dissatisfied with these and other explanations offered by the Dean of Law regarding his decision to terminate the hiring of Dr. Azarova, we prefer to highlight in this letter the institutional environment that enabled the Dean to ignore the advice of his own advisory committee and, thereby, sideline academic colleagues.

The Dean of Law wields extraordinary authority for a community that calls itself self-governing. This is the case not only as concerns the IHRP but also as concerns curriculum matters, faculty appointments, and other subjects that are of concern to the law school community. It is, nevertheless, startling that the Dean intervened in the appointment of the IHRP Director without referring the matter back to the hiring committee that identified a short list and interviewed candidates. He took these steps, moreover, by informing rather than consulting with our colleague, Professor Audrey Macklin, who chaired the hiring committee, nor with other colleagues who sit on the IHRP academic advisory committee. Claiming that 'legal constraints on cross-border hiring' barred Dr. Azarova's timely entry into Canada, the Dean would not consider Professor Macklin's advice that her immigration status was eminently solvable, and that the hiring committee had unanimously concluded that there were no qualified Canadians in the pool. No one in a position of authority, it seems, wanted to hear this. For this reason, we view immigration questions, and for that matter allegations that no offer had been made to Dr. Azarova, as pretextual.

One last matter: We delayed sending this letter to you in order to give the Dean of Law an opportunity to address some of the unanswered questions arising out of this episode at our Faculty Council on October 7, 2020. The Dean was invited, repeatedly, by members of faculty and the Student Law Society to address matters related to the future of IHRP and governance at the law school. Although none of these questions related to the Azarova matter, the Dean refused to answer any of these questions. He also refused to comment on the role of academic freedom in relation to clinical programs or make a commitment to the faculty to hold a meeting where these questions could be discussed.

**DocuSigned by:**

C70ACA19DCF440F...  
**Trudo Lemmens**  
Professor of Law

**Jeffrey MacIntosh**  
Jeffrey MacIntosh  
Professor of Law

**Denise Réaume**  
Denise Réaume  
Professor of Law

**DocuSigned by:**

kent Roach  
Kent Roach  
Professor of Law

**DocuSigned by:**

David Schneiderman  
David Schneiderman  
Professor of Law

cc: Meric Gertler, President, University of Toronto  
Edward Iacobucci, Dean of the Faculty of Law, University of Toronto



# UNIVERSITY OF TORONTO

## FACULTY OF LAW



*78/84 Queen's Park  
Toronto, Ontario M5S 2C5 Canada*

29 October 2020

President Meric Gertler,  
University of Toronto  
27 King's College Circle  
Simcoe Hall, Suite 225  
Toronto, ON

Dear President Gertler,

We write to object to the University's response to the many expressions of concern you have received about the IHRP controversy at the Faculty of Law. We are glad to see some acknowledgment that the response of Vice-President Hannah-Moffat did not meet threshold standards of fairness. Your recent response does not, however, respond to all of the fairness concerns. Unless a review is carried out properly, it will undermine the review's legitimacy and credibility in the eyes of the university community and the wider public.

**The review will not widely be seen as impartial.** The review of the conduct of a university administrator has been assigned by university administrators to a single individual who is a former university administrator. This cannot help but give rise to a perception of bias. However respected as a university administrator, President Patterson's experience and perspective is still that of an administrator. Best practices in this area often call for review panels with members chosen to represent different perspectives with a neutral chair. This is why many of the University's internal appeal processes are so designed. Just as the University would surely not accept a past President of CAUT as a sole investigator, the University cannot expect faculty and staff to see a former university president as an impartial sole investigator.

**The selected reviewer's background raises concerns.** While President of Trent, President Patterson was herself the subject of a CAUT investigation into her decision not to reappoint Prof. George Nader as Principal of a college, though recommended by the appointment committee, because he opposed her intention to close colleges. President Patterson told CAUT that an investigation into "Dr. Nader's failure to be reappointed to a managerial position would be neither appropriate nor useful". The investigation found that her decision violated academic freedom. She is now tasked with investigating whether a decision by the Dean of Law not to appoint to a non-faculty position the unanimous choice of the hiring committee violates academic freedom. We believe her prior involvement as the subject of a very similar complaint makes the decision to choose her inappropriate. Further, the reasons for terminating the search rest on legal claims (e.g. employment and immigration law), over which President Patterson claims no professional expertise. Will the review assess these legal claims?

**The review's mandate is vague and incomplete.**

**Academic Freedom:** The mandate does not explicitly refer to academic freedom, its explicit and implicit presence in University policies, memorandum of agreement with UTFA, and procedures and norms. The mandate must explicitly address whether, when, and what contact occurred between the Dean and any alumni or donors about the IHRP appointment. It must address whether the Director of the IHRP – "a managerial staff position – not a faculty one" according to Vice-President Hannah-Moffat – is entitled to academic freedom. What would the implications be for clinical directors and like positions, and other centres at the university? The review must address whether "existing" policies with respect to academic



freedom are true to the aspirations of a faculty-governed institution, and adequate to current and future trends in higher education.

**The scope of the Dean's authority over hiring.** Conventions about good faith and the autonomy of search committees may be at stake. Eleventh hour intervention in ongoing negotiations is destructive of the integrity of search processes and is a power that should be used only in extraordinary circumstances. More generally, it undermines collegial governance for administrators to take the view that they owe faculty no explanation for such decisions. Will the review consider these issues?

**Confidentiality.** The announcement does not specify which policies regarding appointments, including those on confidentiality, are pertinent. Will the review consider whether the selection of the chosen candidate was kept confidential, or whether the circumstances of the decision to terminate the search were, or both? These raise very different issues.

**The announcement does not address consequences that may ensue from the report's findings.** Neither Vice-President Hannah-Moffat's announcement, nor your own, makes clear whether members of the university community may be put personally at risk of disciplinary or other official action as a result of this review.

The legitimacy of an investigation of any sort hinges on its fairness. One that gives rise to an apprehension of bias, has no clear mandate, and is not forthcoming about its implications will not resolve this issue and secure the reputation of the University of Toronto. Prospective participants in the process cannot make an informed decision about whether to participate, and members of the University community cannot have confidence in the integrity of the process, without elaboration and clarity about the object, scope and consequences of this review.

We urge the University to further rethink this process before even more damage is done. That no effort was made to design this process in a way that would safeguard important procedural principles can only fuel suspicions. We would be happy to consult with you about the terms of an adequate investigation.

Sincerely,




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Vincent Chiao  
Associate Professor of Law




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Jeffrey MacIntosh  
Professor of Law



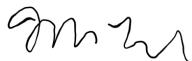

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Anver Emon  
Professor of Law




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Denise Reaume  
Professor of Law



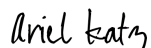

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Mohammad Fadel  
Professor of Law




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Kent Roach  
Professor of Law



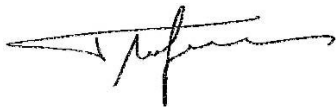

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Ariel Katz  
Associate Professor of Law




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David Schneiderman  
Professor of Law

A handwritten signature in black ink, appearing to read 'Trudo Lemmens', written over a horizontal line.

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Trudo Lemmens  
Professor of Law

A handwritten signature in black ink, appearing to read 'Anna Su', written over a horizontal line.

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Anna Su  
Associate Professor of Law





November 11, 2020

Dr. Meric Gertler  
President, University of Toronto  
via: [president@utoronto.ca](mailto:president@utoronto.ca)

Dear President Gertler,

**Re: Review of Events Surrounding the International Human Rights Program, Faculty of Law.**

We write to express our deep concerns about the terms of a review, recently initiated by the University of Toronto, to investigate events around the hiring of a new Director of the International Human Rights Program (IHRP) at the Faculty of Law.

As university professors whose research areas focus on good governance, fair procedures, and justified decision-making, we outline the shortcomings in this review process in the hope that the University makes the necessary improvements in order to ensure that all who are involved are treated fairly. A re-designed process as proposed in our letter will not only respect the fundamental legal values of fairness, but [key university values](#) of public accountability, good governance, and transparency.

Before turning to our recommendations, we want to emphasize the public values at the heart of this controversy. It is alleged that an external official in the judicial branch either tried to or did in fact influence the outcome of a university hiring process transforming this controversy from an internal matter to one that has significant public dimensions and import. Universities are stewards of public money and public trust and the institutional embodiment of a social and political commitment to freedom of thought and inquiry. In this context, the extent of outside influence on Dean Iacobucci's decision not to hire Dr. Azarova implicates serious academic freedom concerns and the questions surrounding the reasons for his decision go to the heart of the University's governance mandate.

***Impartiality***

First, there is an appearance that the review will not be impartial, as promised. This is because those whose conduct will be examined as part of the investigation (Dean Iacobucci, Vice-President HR & Equity Hannah-Moffat) have themselves selected the reviewer, Professor Patterson. Indeed, until recently Professor Patterson was asked to report back on her review directly to Dean Iacobucci and VP Hannah-Moffat.

President Gertler, you have changed the terms of the review so that the investigator now reports to you as well as makes the report public. Whilst this is an important first step it does not go far enough to extinguish concerns. VP Hannah-Moffat and Dean Iacobucci participated in setting up the review and selecting the external reviewer. Both have made several [public](#) statements about what they believe to be the facts and have described alternative accounts to be [false](#). In a letter to your Faculty of Law, outlining his reasons for requesting an external review, Dean Iacobucci said it was "in order to [correct](#) misconceptions and misunderstandings." (emphasis added). Now, as key players in this affair who have expressed strong views about what facts the final report will confirm, they will be interviewed by Professor Patterson, whom they appointed.

Regardless of whether Professor Patterson is actually impartial, the fact that she was appointed by persons who have taken a strong public position on the facts will leave those within and beyond the University in doubt of the legitimacy of the review exercise. Given the various interests implicated in this case, we believe it would be appropriate to have a new tripartite panel to review this issue; one panelist selected by

the University, one selected by the Faculty Association, and a Chair by consensus of those two appointees.

**Recommendation 1:** An impartial review be permitted by a tripartite panel with clear terms of reference to report publicly on the result of its findings.

### ***Procedural Fairness***

Second, the terms of reference contained in the [October 14, 2020 Memo](#) from Kelly Hannah-Moffat, VP HR & Equity, do not appear to contemplate the need to ensure procedural fairness for those who might participate in the interviews and raise concerns about a lack of attention to protecting important interests, such as reputational interests, as well as not putting participants at risk of further harm. The procedures that an independent review follows should be guided by norms of accountability and transparency. Interviewees should be properly notified, provided with as much information as possible so that they are not participating ‘in the dark’ or unable to rebut allegations, given an outline of the process to be followed so they know what to expect, and be assured that they may have representation throughout. It is even more vital that participants be afforded procedural protections when potential disciplinary measures are a possible sanction or when reprisals against some participants could occur.

**Recommendation 2:** The University needs to make public the procedures that will be used and show that an appropriate level of procedural fairness has been guaranteed for those who participate in the review. To achieve this goal, the University likely needs to extend the timeline for the review. The University should ensure that the reviewing panel can secure legal counsel who can provide independent legal advice, particularly with respect to procedural fairness matters.

### ***Prejudgement & Whistleblowing Protections***

Third, to date, statements made by some University officials do not seem to contemplate the possibility that those who were involved in the search, and who subsequently resigned because of their concerns about the Dean’s decision, had legitimate concerns. The University ought not to take a side, or be perceived as taking a side but, rather, should act even-handedly and with an open mind towards all University members so that its determination will be both sound and fair.

Thinking of the future, this controversy presents an invitation to consider implementing “whistleblowing” policies and protections for those who disclose, reasonably and in good faith, what they believe to be wrongdoing in relation to University policies and/or violations of legal or regulatory requirements. This initiative would support principles of good governance and exemplify a commitment to institutional stewardship by acting in the best interests of the university as a whole. After all, one of the defining [purposes and fundamental duties](#) of the University is to promote truth and protect academic freedom in the service of truth.

**Recommendation 3:** The University should publicly affirm that it supports all of its members who participate in its review. The University should establish a whistleblowing policy as a best practice.

The University of Toronto takes deserved pride in its tradition of academic excellence and affirms that it is “guided by excellent principles of good governance.” We hope our recommendations contribute to changes to the anticipated review which will improve its integrity and enable it to achieve “best practices” standards.

Sincerely,

Colleen M. Flood  
Professor & University Research Chair, Faculty of Law, University of Ottawa

Mary Liston  
Associate Professor, Peter A. Allard School of Law, University of British Columbia

Sheila Wildeman  
Associate Professor, Schulich School of Law, Dalhousie University

Sharry Aiken  
Associate Professor, Faculty of Law, Queen's University

Ryan Alford  
Associate Professor, Bora Laskin Faculty of Law, Lakehead University

Faisal Bhabha  
Associate Professor, Osgoode Hall Law School, York University

W.A. Bogart  
Distinguished University Professor, Professor of Law (retired), University of Windsor

Dr. Kathryn Chan  
Associate Professor, University of Victoria Faculty of Law

Maneesha Deckha  
Professor and Lansdowne Chair, Faculty of Law, University of Victoria

Hilary Evans Cameron  
Assistant Professor, Faculty of Law, Ryerson University

Alexandra Flynn  
Assistant Professor, Peter A. Allard School of Law, University of British Columbia

Kerri A. Froc  
Associate Professor, Faculty of Law, University of New Brunswick

Colin Grey  
Assistant Professor, Faculty of Law, Queen's University

Gerald Heckman  
Associate Professor, Faculty of Law, University of Manitoba

Matthew Herder  
Associate Professor, Faculties of Law & Medicine, Dalhousie University

Laverne Jacobs  
Associate Dean (Research & Graduate Studies), Associate Professor, Faculty of Law, University of Windsor

Hudson Janisch  
Osler, Hoskin & Harcourt Chair of Law & Technology Professor Emeritus, University of Toronto

Charis Kamphuis  
Associate Professor, Faculty of Law, Thompson Rivers University ne Secwepemcul'ecw (in Secwepemc territory)

Constance MacIntosh  
Professor, Schulich School of Law, Dalhousie University

Dr. A. Wayne MacKay C.M. Q.C.,  
Professor Emeritus, Schulich School of Law, Dalhousie University

Derek McKee  
Associate Professor, Faculty of Law, Université de Montréal

Heather McLeod-Kilmurray  
Professor, Faculty of Law, University of Ottawa

Graham Mayeda  
Associate Professor, Faculty of Law, University of Ottawa

Naomi W. Metallic  
Chancellor's Chair in Aboriginal Law and Policy  
Assistant Professor, Schulich School of Law, Dalhousie University

Jennifer Nedelsky  
Professor, Osgoode Hall Law School, York University

Sean Rehaag  
Associate Professor, Osgoode Hall Law School, York University

David Robitaille  
Professor, Faculty of Law, University of Ottawa

Robert Russo,  
LLMCL Graduate Program Lecturer, Peter A. Allard School of Law, University of British Columbia

Sujith Xavier  
Associate Professor, Faculty of Law, University of Windsor

CAUT  
**LegalUpdate**

## Duty to Inquire

*Haghir v. University Appeal Board, 2019 SKCA 13*

The Saskatchewan Court of Appeal held that the University of Saskatchewan Appeal Board erred in failing to consider the law of discrimination and accommodation in upholding the termination of a physician's membership in a College of Medicine program. The termination followed findings that the physician had attempted to take textbooks from the University bookstore. The physician had a criminal record for shoplifting and a history of psychiatric treatment related to that conduct.

### Facts and Argument

The Appellant was a physician who had been accepted for admission to the College of Medicine Neurology Program at the University of Saskatchewan. He had a criminal record for shoplifting and, in order to obtain admission to the Program, agreed to continue care and treatment with a psychiatrist and seek assistance from the Physician Support Program of the Saskatchewan Medical Association. He also made an agreement with the Regional Health Authority not to commit any further criminal violations, and with the College of Medicine to observe his agreements with both the Saskatchewan Medical Association and the Regional Health Authority.

Four years later, the Appellant was suspended from the Neurology Program as a result of a Senate Hearing

decision that found he had attempted to take textbooks from the University bookstore. After an investigation by the College of Medicine, it was recommended he be removed from the Program. The dismissal was upheld in the two-stage appeal process of the University, concluding with a decision of the University of Saskatchewan Appeal Board. The Saskatchewan Court of Queen's Bench upheld the Appeal Board's decision on the basis that the College of Medicine had appropriately accommodated the Appellant's mental health disability, which was related to the theft history.

The Appellant maintained that the College of Medicine knew of his mental health issues prior to his admission to the Neurology Program and that any failure to follow his prescribed treatment was directly related to his mental health disability. The College argued that a specific mental health disorder had never been diagnosed and that the Appellant failed to make his accommodation needs known at the time of dismissal.

### Decision

The Court allowed the appeal in finding that the College had failed to meet its duty to inquire into an accommodation for the Appellant given the evidence of a mental health disorder. The Appeal Board's decision was not reasonable in that it had overlooked or disregarded that evidence. The College of Medicine decision should have been reviewed on the basis of

whether it was aware or ought to have been aware of the Appellant's disorder.

*The Union of Northern Workers v. The Government of the Northwest Territories (Grievance of Luzviminda Richardson), 2019 CanLII 18391 (NT LA)*

Discrimination was established where an employer dismissed a probationary employee without inquiring further when it became aware of a possible alcohol dependency that could have been a factor in the alcohol-related offence that led to the dismissal. In failing to inquire, the employer had breached its duty to inquire under human rights caselaw.

### Facts and Argument

The grievor was a probationary employee with the Yellowknife Health and Social Services Authority where she held a position as a supervisor. The grievor was a resident of a "dry" region in the Northwest Territories where the possession of alcohol is prohibited. The grievor was rejected on probation after it was found she had sent a parcel containing alcohol as air freight into the alcohol abstention community.

Prior to her termination, the grievor admitted to shipping the alcohol and said she used alcohol to cope with the stress of her job. She drank daily and admitted to bringing alcohol to the community on other occasions.

The employer maintained that the grievor was the "face" of the agency in her community and a role model for the employees who reported to her. The rejection on probation was justified given the grievor had used employer resources to carry out her illegal activities on more than one occasion. The onus, the employer argued, was on an employee to inform the employer of any need for accommodation and the grievor made no such request in respect to alcohol addiction.

The union argued that the case is about the failure of the employer to inquire if there was a disability. Once aware that the grievor stated she used alcohol to cope, it should have sought further information as to whether there could be a dependency, particularly given the grievor worked in an alcohol abstention community and risked breaking the law to bring in alcohol. The union maintained that the employer's

claim that it was up to the grievor to provide information to trigger consideration of an accommodation conflicts with the accepted literature in dealing with a person with a potential alcohol dependency where lack of self-awareness and denial affect any ability to come forward or disclose.

### Decision

The arbitrator agreed that the main issue is whether the employer breached its duty to inquire when it chose to terminate the grievor. He held that the law is "clear" in that the duty to accommodate has both a *substantive* and *procedural* component. The duty to inquire and assess is a procedural requirement and failure to meet this duty is a form of discrimination given the affected person is not properly assessed for possible accommodation.

The arbitrator held that while there is an obligation on the employee to disclose their disability, there is also an obligation on the employer that, before taking disciplinary action, it make inquiries "if it suspects that the employee may have a disabling condition which impacts on their workplace behaviour". It was found in this case that the employer had enough information to trigger the duty to inquire as not every employee with an addiction is aware of their disability and indeed may be in denial. The information the employer had should have been a "red flag" and led to an attempt to get a medical prognosis.

The employer's actions were discriminatory in failing to inquire as to whether there was any need for accommodation.

*Pratt v. University of Alberta, 2019 AHRC 24 (Alberta Human Rights Tribunal)*

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 related issues in a pre-termination meeting with her supervisor.

### Facts and Argument

In a Human Rights complaint filed against the University of Alberta, the terminated probationary employee alleged she was discriminated on basis of mental disability. The Complainant was hired as an assistant to work in University collections and



archives. Concerns were raised over her job performance, including her seeming inability to work creatively, focus and maintain sustained concentration, as well as engaging in text and phone call distractions. The Complainant was issued a letter of counselling about halfway through her probation in respect to improving her work performance.

In a meeting she later requested with her supervisor, the Complainant stated she was trying to cope with the death of her brother who had taken his own life and that she was suffering a grief reaction. She testified that she told the supervisor this was affecting her concentration and cohesive thought pattern. She asked if she could just be assigned core duties while she was undergoing counselling. The supervisor testified that he did not think she was referring to psychological counselling.

The Complainant argued that she thought she was going to be accommodated as a result of her meeting with her supervisor. The University contested her evidence of the meeting and claimed the Complainant had not raised her brother's death and that the supervisor had assumed from his interactions with the Complainant that she just did not like her job.

## Decision

Credibility was an important factor in this decision, as the Tribunal preferred the Complainant's evidence that she had advised her supervisor of the personal difficulties in her life that were affecting her work performance. The Tribunal found *prima facie* discrimination on the grounds of mental disability and that her condition was connected to her work performance issues. As such, the duty to accommodate would be applicable if the employer knew or ought to have known of her condition.

The complaint was upheld on the basis of the employer's failure to inquire after the Complainant had advised of her limitations. The Tribunal stated that based on the evidence, the University "could have and should have asked the complainant to provide evidence from a health professional with respect to her limitations."

The Tribunal awarded \$20,000 in damages for injury to the Complainant's dignity and self-respect, just under \$35,000 for lost wages, and reinstatement to her employment with the University in a comparable position and pay grade.

## Significance

The significance of these cases is the recognition and application of the duty to inquire where it would be reasonable for an employer to believe there may be a disabling condition underlying an employee's behaviour. Recognizing a condition and a connection to workplace issues means that the duty to accommodate is triggered, but does not determine the outcome of applying accommodation principles. That is, the duty to accommodate requires the employee to cooperate in a reasonable accommodation up to the point of undue hardship for the employer. The union is also required to participate in an accommodation subject to establishing undue hardship with respect to its members and/or the provisions of a collective agreement.

The duty to inquire is the starting, not ending, point in dealing with an affected employee. Discipline is not an appropriate response without first determining if there is any connection to a disability or other human rights protected ground. The duty to inquire only arises where the evidence is that the employer knew *or ought to have known* that there might be a connection to a human rights condition. But the issue may not be discipline, but any behaviour affected the ability of the employee to fully engage in the employment relationship. Human Rights, after all, is concerned with non-culpable conduct.

CAUT is aware of at least one recent case where a university chose to ignore all the signs pointing to a disabling condition and treated the behaviour concerned as culpable conduct that justified dismissal without further medical inquiry. The matter settled before the arbitration hearing and the issue of the scope of the duty to inquire in that case was thus not addressed.

In discrimination law, the *University of Saskatchewan*, *Northern Workers* and *University of Alberta* cases illustrate the importance of the duty to inquire as a precursor to considering the duty to accommodate. The duty to accommodate cannot be met where there is a failure to inquire in circumstances where it is known or ought to have been known that an underlying condition that could be connected to the behaviour. Where a disabling condition is later established, the result is discrimination because accommodation was not even considered.

CAUT encourages member associations to be vigilant when faced with situations where a disabling

condition may have an impact on an individual's behaviour, and to insist that where the duty to inquire is triggered, an inquiry is actually carried out before other actions are followed, including disciplinary or other corrective action.

What happens when a disability is subsequently established is another matter. Culpable conduct justifies disciplinary penalties; nonculpable conduct requires considering non-disciplinary approaches such as that of accommodation and/or treatment while protecting the interests of the grievor, other employees, and the employer. Sometimes a hybrid approach may be applied where there is a mix of both culpable and nonculpable behaviour and an arbitrator will have to *parse* the behaviour into one category or the other before considering a response.



# Memorandum

## Re: Policy Statement on Academic Administrative Searches

**Date:** October 1, 2020

**To:** CAUT Council

**From:** David Robinson, Executive Director

The Ad Hoc Working Group on Governance has developed a draft Policy Statement on Academic Administrative Searches. The draft statement affirms the importance of open searches as central to the exercise of shared governance.

At its meeting held February 7-8, 2020, the Executive Committee reviewed the statement and recommended that it be sent to Council for consideration.

To facilitate the discussion at Council, delegates are asked to review the statement and submit any comments or amendments to [motions@caut.ca](mailto:motions@caut.ca) by November 13, 2020.

## Policy Statement on Academic Administrative Searches

### 1

Recruiting and selecting academic administrators in accordance with the principles of shared governance is vital to institutions' ability to fulfill their public responsibilities for scholarship and education. As such, search processes must be open and must be conducted by search committees that are struck by and accountable to collegial governance bodies, and on which academic staff are the majority of members. The search committee must retain sole decision-making authority over the search process, conducted in accordance with institutional policy that has been approved by Senate and is consistent with collective agreements negotiated between the institution and its academic staff association.

### 2

Searches that are conducted in secrecy undermine shared governance. They reinforce management control and widen the gulf between academic administrators and the collegium. Open searches provide insight into candidates' capabilities, knowledge of the institution, and approach to leadership; meaningfully inform the selection process; and allow candidates to better understand the institution they might lead. They convey to finalists that their role hinges on their willingness to speak, listen, and answer to the campus community. An open search can engender trust in the search process by demonstrating that the search has been wide, thorough, and competitive.

### 3

An open search involves an open finalist phase, with at least three candidates. Where the initial pool of applicants is insufficient to allow for three qualified finalists, or where it is not sufficiently diverse to meet equity goals, the search committee should extend or reconstitute the search following a report to and consultation with the relevant governing bodies. Each finalist should visit campus, make public presentations that include opportunities for questions from those present, and meet with a diversity of campus groups, including the academic staff association. The committee should solicit campus input, to be considered during final deliberations. Where finalists are external, the search committee should solicit input from the most appropriate home department concerning the candidate's suitability for tenure at the institution. All input provided to the committee should be held in confidence.

### 4

The routine use of search firms and the influence they exert over critical decisions are inseparable from the corporatization of higher education and the erosion of meaningful academic staff participation in shared governance. They also divert resources from the institution's academic mission. For these reasons, the use of search firms should be avoided. However, if the committee decides to engage a search firm after a thorough deliberation that considers the disadvantages and costs, the search firm selection criteria should be decided by the committee, and should include a demonstrated commitment to equity. In this case, the decision to engage a search firm and the rationale for doing so should be communicated to the relevant governance bodies prior to a firm being selected. The committee alone should select the search firm. The only role of the search firm should be to support the committee, at the committee's direction. The search committee should ensure that any unsolicited applications are treated identically to those solicited by the search firm.

### 5

Search committees for presidents and academic vice presidents should be joint committees of the Board and Senate. Search committees for other academic administrators, such as deans, should be committees of the appropriate academic governance body. Search committees should include

academic staff who are members of the relevant governance bodies, elected by those bodies, and should include academic staff from other appropriate constituencies, elected by those constituencies. All elections should be conducted following an open nomination process. Search committees should include a representative of the academic staff association, who is an academic staff member and is selected by the association. Every effort should be made to ensure that search committees reflect the diversity of the academic community at the institution, and that barriers to equitable participation are identified and removed.

**6**

The governing policy should include clear rules for quorum and committee voting procedure. Each search committee should select its own chair. All committee members should have full and equal rights of participation, including the right to ask initial or follow-up questions during the interview process.

**7**

All search committee members should be required to complete equity training prior to participation in committee deliberations. Equity considerations should guide the entire search process, starting from the committee's earliest deliberations.

**8**

The search committee should determine each of the following, subject to the governing policy: the phases and timing of the search process; the process for campus consultations; the plan for advertising the position; interview questions and format; and questions for reference checks. All campus consultations should be led by members of the search committee, advertised widely and should be held at times that will enable maximum participation. As part of the advertising plan, the search committee should invite the campus community to suggest potential candidates. The committee should provide clear and timely communication of decisions and progress updates to the relevant governing bodies and constituencies. The search committee should determine the degree and type of confidentiality at each phase of the search, and these decisions should be communicated to applicants and to the institutional community. Confidentiality agreements should be consistent with principles of academic freedom. They should not prevent committee members from commenting on general issues about the search process, violation of policy, or suggestions for improvement. These agreements should be posted on a webpage for the search.

**9**

The committee should develop and recommend a position profile and selection criteria to the appropriate governing bodies, following consultation with the relevant constituencies and prior to advertising. Equity considerations should be incorporated into the position profile and criteria, as well as the advertising plan. Demonstrated ability to foster shared governance of the institution should be included in selection criteria and in duties listed in the position profile.

**10**

All information relevant to the search process should be provided to the search committee, including all applicant and reference check information. Members of the search committee should participate in all filtering, long-listing, and short-listing phases. Under no circumstances should parties other than members of the search committee engage in the screening of applications.

**11**

Only candidates recommended for appointment by the search committee should be appointed, and the committee should have the right to recommend that none of the applicants be appointed. Search committee members should have the option of submitting minority reports, as attachments to the majority report. Should the search not result in an appointment being made, the search

committee should reconstitute the search following consultation with the relevant governing bodies.

## **12**

Following completion of a search, the committee should report in writing on the search, addressing at least: the number of applicants; the profile of the applicant pool by factors including but not limited to internal and external candidates and representation of equity-seeking groups; recommendations for policy or procedural improvements; and assessment of any search firm involvement with associated total cost. This report should be submitted to the relevant governance bodies, integrated into a publicly available historical record, and provided to search committees for subsequent searches.

**Draft Policy Statement submitted by the Ad Hoc Working Group on Governance  
to the Executive Committee for consideration, January 2020.  
Draft revision approved by the CAUT Executive Committee, February 2020.**

DRAFT

# Memorandum

## Re: Policy Statement on Criteria and Procedures in Renewal, Tenure, and Promotion Decisions

**Date:** September 15, 2020

**To:** CAUT Council

**From:** David Robinson, Executive Director

At its meeting held February 7-8, 2020, the Executive Committee reviewed the Policy Statement on Criteria and Procedures in Renewal, Tenure, and Promotion Decisions as part of a 5-year review. The Executive Committee recommended that the policy be sent to Council for consideration with the following revisions:

- Paragraph 1: the word 'must' is replaced with 'should' to be consistent with language used in CAUT policy statements.
- Bullet #4: reference to the negotiated collective agreement is added.
- Bullet #6: 'student opinion surveys of teaching' are included in the list of materials that could prohibit procedural and evidential openness and transparency.
- Endnote #1: updated to reflect that a revised Policy Statement on Tenure was approved by the CAUT Council in November 2015.
- Endnote #2: updated to reflect that a revised Policy Statement on Equity was approved by the CAUT Council in November 2018.

To facilitate the discussion at Council, delegates are asked to review the statement and submit any comments or amendments to [motions@caut.ca](mailto:motions@caut.ca) by November 13.

## Policy Statement on Criteria and Procedures in Renewal, Tenure and Promotion Decisions

Tenure constitutes a safeguard of academic freedom sustaining intellectual liberty and high standards in postsecondary education.<sup>1</sup> Procedures governing the granting of tenure, as well as renewal and promotion, ~~should~~must ensure that natural justice and due process prevail. Such procedures ~~should~~must as well be consistent with the equity provisions of the collective agreement. Academic staff associations ~~should~~must negotiate criteria and procedures into the collective agreement which ensure that in career decisions priority is given to academic judgments and peer review while protecting the member's right to fair, consistent and equitable treatment. Collective agreements should provide:

1. a definition of tenure which recognizes that it involves a continuing appointment which can only be terminated either voluntarily through retirement or resignation or for just and sufficient cause or reasons of financial exigency;
2. definitions of academic ranks which are clear and easy to interpret;
3. reasonable criteria and standards which acknowledge the diversity of scholarship<sup>2</sup> and which avoid difficult to interpret qualifiers such as "excellent" in favour of descriptions of tasks such as "has established a record of independent scholarship;"
4. a protection that the criteria and standards to be applied in individual renewal and tenure cases should be those in force at the time of the member's initial appointment, unless modified in the collective agreement with the academic staff association;
5. evidence-driven decision-making which relies exclusively on relevant material provided by the applicant, additional relevant material drawn from the personnel file with written consent of the applicant, and upon internal and, where appropriate, external peer assessment;
6. procedural and evidential openness and transparency which restricts the use of confidential materials and prohibits the use of unattributed or anonymous materials or hearsay, including student opinion surveys of teaching;
7. recognition of the unfettered right of the applicant to access and comment on all of the evidence being considered by persons or committees charged with making recommendations and decisions as well as the right to address directly those charged with making recommendations or decisions prior to their final determination of the issue;
8. a requirement that all persons charged with assessing the academic work of a member and/or making a recommendation or decision have appropriate training on the application of the collective agreement, and relevant equity and other policies;
9. a requirement that all persons charged with assessing the academic work of a member and/or making a recommendation or decision have demonstrated competence and knowledge relevant to the assessment and act impartially, without bias and with no conflict of interest;
10. a requirement that all persons or committees making recommendations or decisions provide full and sufficient written reasons for their recommendations and decisions;

11. a requirement that all recommendations and decisions, including reasons, be made available to the applicant and ensure adequate time for the applicant to respond and/or comment before the application moves to the next stage of the process;
12. reasonable deadlines together with proper protections for the member should the employer fail to meet a deadline for a decision;
13. recognition of the unfettered right of the academic staff association to be fully informed at all times as well as the right of the association to represent the member at every stage of the process; and
14. recognition that renewal, tenure and promotion decisions, like all other terms and conditions of employment, are subject to the grievance/arbitration provisions of the collective agreement, and that the academic staff association has carriage rights for all renewal, tenure and promotion grievances.

A “tenure-track” appointment is an appointment which ensures access to a tenure hearing with the expectation of a positive result based upon satisfactory performance. A denial of renewal or tenure constitutes a finding of unsatisfactory performance over an extended period. For this reason the burden of proof in renewal and tenure decisions should be on the employer.

Budgetary considerations are not valid reasons for denial of renewal, tenure or promotion. In addition, there must be no limit on the proportion of the academic staff who may be tenured nor on the proportion of academic staff at any given rank.

**Approved by the CAUT Council, November 2010.**  
**Revised by the CAUT Executive Committee, February 2020.**

## Endnotes

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1. See CAUT, Policy Statement on Tenure, Approved by the CAUT Council, November ~~2005~~2015.
2. The CAUT Policy Statement on Equity reminds us that in career decisions “recognition must be given to different and diverse experiences of various marginalized groups. Diverse substantive contributions to knowledge must be welcomed in the university or college. Diversity demands representation of difference in terms of vision, values, cultural mores, lived experience, methodologies and epistemologies in critical analysis.” See CAUT, Policy Statement on Equity, Approved by the CAUT Council, November ~~2002~~2018.



# Memorandum

## Re: Policy Statement on Renewal of Academic Staff

**Date:** October 22, 2020

**To:** CAUT Council

**From:** David Robinson, Executive Director

At its November 2019 meeting, the Executive Committee reviewed the *Policy Statement on Renewal of Academic Staff* as part of a 5-year review and referred the policy to a Sub-Committee of the Executive Committee (S. Blair and R. Whitaker).

At its meeting of February 7-8, the Executive Committee received the sub-committee's revision and recommended that it be sent to Council for consideration.

Below is a summary of the proposed changes:

- **Clause 1, new sentence #1:** Added to underscore that post-secondary institutions and their constituent academic units require a secure complement of full-time academic staff if they are to flourish and fulfill their academic, educational, and public missions of higher education.
- **Clause #1, revised 2<sup>nd</sup> sentence:** Modified to capture the threat to the educational and public missions of post-secondary institutions when full-time academic staff positions are not replaced, or are replaced with part-time, contingent positions with a restricted range of duties and responsibilities.
- **Clause #1, revised 3<sup>rd</sup> sentence:** modified to add shared governance to the functions secured by a strong, stable academic staff complement.
- **Moving the Clause #3 to become new Clause #2:** Moved for clarity and flow.
- **Moving the last sentence of Clause #1 to become a new Clause #3:** Moved for flow and clarity in light of other revisions in the new clause #3.



- **Revised sentence in the new Clause #3:** Captures the need for a stable complement of academic staff whose duties and responsibilities combine research, teaching, and service, for the functional health of academic units and institutions.
- **Renumbered clause #5, 1<sup>st</sup> sentence:** Modified to add the imperative of full collegial involvement in any restructuring of the academic staff complement.
- **Renumbered clause #5, new sentence:** added to emphasize the importance of institutional autonomy in decisions regarding the reduction or structure of the academic staff complement.

To facilitate the discussion at Council, delegates are asked to review the statement and submit any comments or amendments to [motions@caut.ca](mailto:motions@caut.ca) by November 13.

## Policy Statement on Renewal of Academic Staff

**1**  
Maintenance of the complement of full-time academic staff is necessary for post-secondary institutions to meet their academic missions. Renewal of the academic staff complement through replacement of academic staff who leave ensures that a post-secondary educational institution is well placed to serve its students and meet its wider mandate to the public good and the broader community. Renewal of the academic staff complement reinvigorates the academic staff institution, and provides the means to sustain the its academic mandate of the institution, and enables effective shared governance.

**2**  
Renewal should be part of a long-term process based on sound academic planning that includes full involvement of academic staff and is proactive about achieving and maintaining equity goals.

**3**  
Renewal is an ongoing process that requires that the a complement of continuing regular academic staff sufficient to the scholarly, educational, and academic administrative needs of the unit, faculty and institution is maintained through replacement by other Regular Academic Staff of those who leave the unit, faculty, or institution, by regular academic staff whose duties and responsibilities include a combination of teaching, research, and service and increased as required.

**4**  
Renewal requires protection of seniority rights for Contract Academic Staff and procedures for converting contract academic staff positions into continuing appointments.

**5**  
~~Renewal should be part of a long-term process based on sound academic planning that includes full involvement of academic staff and is proactive about achieving and maintaining equity goals~~

**45**  
Any reduction or reorganization in the academic staff complement of an academic unit, faculty, or institution should require a general review of the academic needs of the institution with full academic staff involvement. The review should be open and transparent, respect due process and natural justice, be free of discrimination, and respect and promote equity and academic freedom. It should not be directed by outside agencies, whether those of government or the private sector.

Approved by the CAUT Council, May 2015.

Executive Committee reviewed and referred to Sub-Committee of the Executive Committee (S. Blair and R. Whitaker) for review, November 2019.  
Revised by Sub-Committee and submitted to Executive Committee for consideration, January 2020.

Draft revision approved by the CAUT Executive Committee, February 2020.

# Memorandum

## Re: Policy Statement on Academic Staff with Mental Health Disabilities

**Date:** October 5, 2020

**To:** CAUT Council

**From:** David Robinson, Executive Director

The Equity Committee has developed a draft Policy Statement on Academic Staff with Mental Health Disabilities. The draft was reviewed by the other committees in August 2019. After reviewing the Committees' feedback the Executive Committee referred the policy to CAUT legal staff for further review.

At its meeting held September 9, 2020, the Executive Committee reviewed the revised draft and recommended that it be sent to Council for consideration.

To facilitate the discussion at Council, delegates are asked to review the statement and submit any comments or amendments to [motions@caut.ca](mailto:motions@caut.ca) by November 13.

## Policy Statement on Academic Staff with Mental Health Disabilities

Mental health disabilities include impairments resulting from illness, injury, work-related stress, harassment, or addiction. Institutions and academic staff associations have a responsibility and a legal obligation to ensure individuals do not suffer discrimination or harassment because of mental health disabilities. All members of the academic community have a role to play in fostering a campus climate that promotes acceptance and inclusion of academic staff with mental health disabilities.

### Duty to Accommodate

Employers have an ongoing legal duty to accommodate staff with mental health disabilities at the workplace. Academic staff associations have a legal duty to accommodate members in the way they represent, advocate, and administer the collective agreement. For both, accommodating means making any necessary changes, up to the point of undue hardship, to the workplace, work, or policies in order to allow the full and equal participation of an employee with a mental health disability. Undue hardship must be demonstrable.

Accommodations for mental health disabilities may include (but are not limited to) modifications to work portfolio, office space or hours, timelines; specific workplace resources and materials; modifications in reporting channels and performance and promotion processes; or the adjustment of different tasks and roles. Accommodations must be individualized to the particular staff member's needs and limitations.

Requests for accommodation should be handled pursuant to a clear policy, a centralized office, and with involvement of the academic staff association. Institutions and academic staff associations should be aware that their own policies and procedures, including those in the collective agreement, might need to be adjusted to accommodate a member's mental health disability. Failure to do so may be a violation of the duty to accommodate.

### Duty to Inquire

Not everyone with a mental health condition identifies as disabled. In some cases, a person may not recognize their need for accommodation. In these circumstances, employers and academic staff associations may have a duty to inquire, if there are reasonable grounds to suspect that a member may have accommodation needs related to a mental health disability.

The duty to inquire is triggered when there are reasonably sufficient indicators of a mental health disability that is having an effect on the academic staff member's work, or the ability of the association to adequately represent them.

### Requests for Medical Information

To fulfill the duty to accommodate, the employer may need medical information from a member and their medical practitioner(s). The law provides that the amount and detail of information needed by an employer increases with the length or complexity of the absence or accommodation.

In cases when an employer requests additional medical information than what was initially provided by the member, the employer should specify what additional information is required in order to accommodate. In most cases an employer should be entitled only to information directly related to the disability or illness and how it interferes with the actual tasks and responsibilities of an employee. In rare cases, a diagnosis may need to be disclosed to the employer in order to fulfill the duty to accommodate.

Academic staff should not consent to the employer directly contacting their health professionals.

Academic staff should never be required by their employer to submit to an independent medical examination without their consent. Generally, there is no legal right for an employer to demand an independent medical examination unless provided for in a collective agreement (which is not recommended). It is an act of last resort and should only be requested in rare cases where there is no other means of obtaining responsive health information, or where there is a substantive contradiction between specialized medical practitioners' opinions.

When academic staff are asked to attend an independent medical examination, and it is in their best interest to do so, the examination should be reasonable in the circumstances, be undertaken with a medical practitioner that is agreeable to the association, and be as non-intrusive as possible. Any reports arising from an independent medical examination must be provided to the member and the association.

The employer and the association are legally obligated to protect the privacy and confidentiality of all personal medical information of academic staff. This includes any documents or records that identify the specific member(s) involved, and describe the accommodation even if no health information may be found therein.

**New draft Policy Statement approved by the Equity Committee, March 12, 2019;  
Executive Committee reviewed and referred policy to CAUT Committees for comment,  
May 2019;  
Executive Committee reviewed and referred to CAUT legal staff, September 2019;  
New draft policy statement approved by the CAUT Executive Committee,  
September 2020.**

# Memorandum

## Re: Model Clause on Openness and Transparency

**Date:** September 15, 2020

**To:** CAUT Council

**From:** David Robinson, Executive Director

A revised *Model Clause on Openness and Transparency* was submitted to Council for consideration at the November 2019 Council Meeting. After discussion and questions from Council, there was a motion to refer the model clause back to the originating committee to look into the question of the model clause being legal in all provinces. At the meeting, I informed Council that I would refer the question to CAUT legal staff.

At its meeting held February 7-8, 2020, the Executive Committee received the legal staff's review and recommended that the revised version of the model clause be sent to Council for consideration.

Below is a summary of the proposed revisions:

Clause 3 (Information Disclosure), has been updated to better reflect the position that employment information and certain demographic data should be shared with the union, as a matter of course. This information helps the union in its representative and equity advocacy capacities.

The specific changes are:

- Amended clause 3 (a): Modified to restrict the clause to information that has been found not to be private information about individuals and/or found to be necessary for a union to effectively represent its membership.
- New clause 3 (b): was added to separate out information that has been or would be found to be private information, and likely subject to privacy legislation, but for the aggregate and anonymized elements indicated.
- New clause 3 (c): was added to create a method for gathering wage and hiring data on a regular basis; by making the disclosure of this information more regular, it is hoped to separate the information from the individuals involved at any given time. It is also hoped

that creating this process with a fixed date will result in fewer instances of unions asking repeatedly for this information.

- Renumbering subsequent clauses through Article 3.
- Clause 3(e) revised to replicate changes made above, but for CAS.

To facilitate the discussion at Council, delegates are asked to review the statement and submit any comments or amendments to [motions@caut.ca](mailto:motions@caut.ca) by November 13.

## Model Clause on Openness and Transparency

### 1

#### Purpose

The parties agree that openness and transparency are essential to encourage collegiality, equity and diversity, and academic freedom. In addition, openness fosters accountability and responsibility. Finally, it serves to safeguard fairness and due process by providing the parties with an opportunity to know and to respond fully to the evidence before a decision maker.

### 2

#### Open Process

The parties agree that the decision-making processes as well as financial deliberations of the employer shall be open. Without limiting the generality of the foregoing, openness and transparency shall extend to all matters before the board of governors and the senior academic body or the senate.

Open and transparent process includes but is not limited to the provision of:

- a) copies of the line budget and expenditure report;
- b) archival documents in accordance with the relevant legislation governing federal archives;
- c) the opportunity for timely participation by members and interested parties when the institution engages in major planning exercises;
- d) public access to debates and decisions including any documents upon which those decisions were based and any ensuing documents;
- e) all external contracts for donors, vendors and services.

### 2.1

#### Motion to Close

Open processes and public minutes may be closed in rare and exceptional circumstances. The parties agree that a motion to close a meeting shall require a two-thirds majority and be recorded in the minutes along with the reason(s) for the motion.

### 2.2

#### Notice Period

Open and transparent process requires that the employer provide at least two weeks' advance notice of all open meetings as well as access to the agenda of scheduled meetings.

### 2.3

#### Committees

The parties agree that an open and transparent process is equally applicable to the meetings of standing committees, sub-committees, ad hoc committees, commissions, working groups and task forces.



## 3

**Information Disclosure**

Effective collective bargaining and the proper administration of the collective agreement can only be realized if both Parties have access to necessary information. Both Parties agree to use professional discretion in dealing with this information.<sup>1</sup> This information will be provided in hard copy, and in electronic form.

To this end, the Employer undertakes to provide the Association with the following, at the times indicated:

- a) On September 30th of each year, a list showing the name, rank, salaries, stipends and all other discretionary monies whether added to base salary or not, first date of hire, home address, phone number, type of appointment, including department, and a list of members on leave. ~~On September 30th of each year, a list showing the name, rank, salaries, stipends and all other discretionary monies whether added to base salary or not, first day of hire, home address, home telephone number, date of birth, type of appointment, including the department, visible minority status, sex and gender in sexual orientation, disability and aboriginal status of each Member of the Bargaining Unit. For Members designated as 'On Leave', the list shall indicate the type of leave that the Member is on.~~
- b) On September 30th of each year, aggregate and anonymized demographic information for employment equity purposes, including racialized members, sexual orientation, gender identity, disability, and Aboriginal status, including for those on a leave, such that salary, rank, and type of appointment can be identified for these groups.
- c) On September 30<sup>th</sup> of each year, the employer shall report on the application of appointment criteria and resulting grid placements for all new appointees.
- ~~b)~~d) On September 30th of each year a list of all Members of the Bargaining Unit on limited term appointments and the reasons for the appointment categorized according to the relevant terms in the Collective Agreement.
- ~~e)~~e) On September 30th of each year a list of all Contract Academic Staff regardless of association affiliation, including the names, department, ~~visible minority status, sex and gender in sexual orientation, disability and aboriginal status~~ and aggregated demographic information as provided in clause (b), above.
- ~~f)~~f) On September 30th of each year a statement of the number of Members of the Bargaining Unit that did not expend all of the professional allowance available to them and the total amount of funds left unexpended for each Member as of the end of the previous fiscal year.
- ~~e)~~g) A copy of the employer's annual audited financial statements and supporting schedules, following approval of these by the Employer.
- ~~f)~~h) Employment Equity data for those applying for each advertised position in the Bargaining Unit, and highest degree and years of experience for each applicant chosen for the interview list. Such information will be forwarded to the Association by September 30 of each year.
- ~~g)~~i) Copies of advertisements for positions in the Bargaining Unit shall be sent to the Association as soon as they have been approved.
- ~~h)~~j) Copies of any mailings forwarded by the Employer to Members shall be sent to the Association at the same time as the general mailing.

- ~~h~~k) At the same time as Members in the Bargaining Unit are informed of the employer's decision(s) with respect to promotion, tenure, continuing status and/or renewal, the names of Members who were considered for renewal of probationary appointment, tenure, continuing status and/or promotion, the decision of the appropriate Personnel Committee for each Member, and the Employer's decision for each Member.
- ~~h~~l) At the same time as Members in the Bargaining Unit are informed of the employer's decision(s), the letters with respect to Sabbatical or Study Leave and any other kinds of leave of one week or longer; and by XX of each year, the total salary figure expended for full-time term appointments made to replace Members who were on Leave during that academic year.
- ~~h~~m) At the time of release, copies of formal, public, institutional or other public representations, and amendments to previous submissions submitted in response to requests from the Federal Government, or the Provincial Government, which directly address the terms and conditions of employment of Members; and
- ~~h~~n) Copies of the pension and group insurance policies, and measurement surveys supplied to the Pensions Committee and any institution committee established to deal with the Association's benefits.

### 3.1

#### ~~Support Staff and Administrator~~ **Non-academic Staff Association Salary Data**

The parties agree that the salary data are open and shall be available to the institutional budget committee and the faculty association on an annual basis. Such data include but are not limited to:

- a) the itemized total compensation including salaries, stipends, pension plans, benefits and perquisites of administrators excluded from the bargaining unit;
- b) the salaries of all ~~non-academic staff association employees~~ ~~support staff~~ reported annually by rank or grid including at least the average, median and 10<sup>th</sup> and 90<sup>th</sup> percentile of salaries as well as the number of personnel for each rank or grid.

### 3.2

The Association agrees to provide the Employer with an up-to-date list of the Executive and other Association representatives;

### 3.3

#### **Collective Agreements**

All collective agreements are public documents and shall be available from the administration.

### 3.4

The employer shall assume the costs associated with ensuring that all documents, both electronic and paper copies are available.

### 3.5

One (1) individual shall be chosen by each Party to coordinate the exchange of information and to act as liaison between the two Parties.

### 3.6

Nothing in this Article is meant to preclude either side of this Agreement from making reasonable requests for additional information from time to time. Such requests shall not be unreasonably denied.

**Approved by the CAUT Council, November 2013**

**Revised by the CAUT Collective Bargaining and Economic Benefits Committee,  
August 2018.**

**Draft revision approved by the CAUT Executive Committee; September 2018.**

**Referred by CAUT Council to the Aboriginal Post-Secondary Education  
Working Group for further review, November 2018;**

**Draft revision approved by the CAUT Executive Committee, to be sent to Council, May  
2019.**

**Referred by CAUT Council to the Collective Bargaining and Economic Benefits Committee  
for further review, November 2019;**

**Draft revision submitted by the CAUT legal department to the Executive Committee for  
consideration, January 2020.**

**Draft revision approved by the CAUT Executive Committee, February 2020.**

## **Endnote**

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1. Professional Discretion in the Labour Relations context refers to the principle that the Union or Employer can exercise judgement as to whether to show individuals sensitive information. Two examples: (i) the Union Executive may choose to share sensitive information with a trusted advisor at the CAUT and ask for advice; (ii) the Union Executive may choose to share certain information such as Member salaries with the Negotiating Team but not with the general membership etc.

# Council Motion Sheet / Avis de motion au Conseil

- Agenda item # 10. (a) / No 10. (a) du point de l'ordre du jour
  - Moved by / Proposée par - NORTHERN BRITISH COLUMBIA
- Seconded by / Appuyée par - SIMON FRASER
- Motion text / Libellé de la motion

**WHEREAS** academic freedom includes the right to conduct and disseminate research; and

**WHEREAS** Springer Nature Publishing reneged on an agreement to publish *Canadian Mining in the Aftermath of Genocides in Guatemala*, edited by two Canadian academics, after legal threats by an unnamed third party; and

**WHEREAS** CAUT legal counsel conducted a libel read of the manuscript and could find no legal basis for Springer Nature's decision to forgo publication;

**BE IT RESOLVED THAT** CAUT Council condemns the actions of Springer Nature and instructs the Executive Director to bring this matter to the attention of the academic community and the broader public.

## Public letter

Why did a Swiss academic publisher, after an initial very positive response, abruptly refuse to publish “Canadian Mining in the Aftermath of Genocides in Guatemala: The Violence, Corruption, and Impunity of Contemporary Predatory Mineral Exploitation”? The publisher ultimately said it was the threat of a third party suing for defamation but then refused to specify what it alleged was defamatory or identify the third party. Was it corporate intimidation that caused Springer to make unsubstantiated accusations, and impede the authors’ freedom of expression?

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Van Godewijkstraat 30  
3311 GX Dordrecht, The Netherlands  
P.O. Box 17  
3300 AA Dordrecht, The Netherlands

Dr. Robert K. Doe  
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Dr. Andrew Sluyter  
Conference of Latin American Geography,  
Springer Books Series Editorial Board, Chair  
[asluyter@lsu.edu](mailto:asluyter@lsu.edu)

Dr. Michael Steinberg  
Conference of Latin American Geography,  
Executive Director  
[mksteinberg@ua.edu](mailto:mksteinberg@ua.edu)

We write this public letter to raise questions as to why an international academic publisher suddenly refused to proceed with the publication of “Canadian Mining in the Aftermath of Genocides in Guatemala,” a book we co-edited that addresses serious situations of (mainly) Canadian mining company-linked human rights violations, forced evictions, repression, health and environmental harms, and mining-linked corruption and impunity in Guatemala.

## In summary

Back in April 2017, Springer accepted our book proposal, signed a publishing agreement with us in May 2017, and encouraged us – in discussions with Catherine Nolin - to submit a book manuscript related to these themes and issues.

Leaping ahead, on 20 February 2020, we submitted our final manuscript after three years of field work, collaborations, and hard work of putting the book together with multiple contributors, reviewing and editing the materials, and maintaining full communication with Springer.

Shortly thereafter, Springer's Publishing Editor for the Latin American Studies book series Juliana Pitanguy wrote to us (21 February 2020) with this initial assessment:

*"I just had a look at the manuscript. The topic is very interesting and it is very well written. It will be a successful title. I will send this to Andrew [Sluyter, Springer-CLAG Latin American Studies Book Series Editorial Board Chair] for feedback and get back to you."*

As the Editorial Board Chair, Dr. Sluyter reviewed the proposal and recommended the external reviewers for Springer. Dr. Sluyter also reviewed the final, revised manuscript and recommended that it was of high quality, a great fit with Springer's Latin American Studies book series, and conveyed to Juliana Pitanguy that he looked forward to seeing it go to print.

After completion of all preparatory work, signing author agreements for all contributors, and awaiting the final page proofs, we experienced approximately five months of silence from Springer, even as we wrote regularly asking for feedback and timelines for publication.

Finally, on 17 July 2020, Juliana Pitanguy wrote us to convey that Springer would not be publishing the book and planned to terminate the contract, because:

*"it presents unsubstantiated defamatory content. Changes in language are not sufficient to take away the legal risk and therefore we think it is not publishable. We wish you all the best of luck and will send you a termination contract so that you can publish the work elsewhere."* (email from Juliana Pitanguy, 17 July 2020)

Despite a series of respectful, professional follow-up emails sent immediately on our part, asking for clarification as to what information in the manuscript was "unsubstantiated" and what information was "defamatory," we received no answers to our legitimate questions.

### **"The Third Party"**

On 30 July 2020, we received a short email from our Publishing Editor, Ms. Pitanguy, explaining that Springer could not provide any more information about why they were terminating the agreement, would not communicate with us on the telephone or conference call. Rather, her email message simply conveyed that:

*"...there is a risk we [Springer] could be sued for defamation if the third party files a case."*

As co-editors, we sent follow-up, respectful, professional emails requesting that Springer identify "the third party" and explain why and how "the third party" obtained access to the book manuscript.

Additionally, we requested that Springer clarify which specific information in our manuscript was “unsubstantiated” and “defamatory.” Again, to no avail.

Since this time, we received significant support from the Canadian Association of University Teachers (CAUT). On 20 August 2020, David Robinson, CAUT’s executive director, contacted Springer with a formal letter requesting further information as to why, just as the book was to be published, Springer terminated the contact. Springer has yet to respond to his letter.

CAUT also devoted significant resources to subject the content of our manuscript – the exact version submitted to Springer on 20 February 2020 – to a full ‘libel review’ by Canadian lawyer Peter Jacobsen, a lawyer with over 40 years of experience and who was named “Lawyer of the Year” by Best Lawyers for Defamation and Media Law in 2017.

Peter Jacobsen concluded that the manuscript did not contain a single instance of unsubstantiated, defamatory content that should prevent publication. Other than a few minor tweaks of sentences, out of an abundance of caution, Mr. Jacobsen did not recommend any changes.

And that was that.

We have no financial or legal capacity to challenge Springer’s forced termination of the contract. Furthermore, co-editing and publishing this book was never about money.

We recently signed their forced termination agreement, and are now seeking alternative publishers.

We personally have no demands or asks of Springer. Our business is done with them. However, we have a responsibility to publicize what happened.

### **Re-enforcing impunity and immunity from accountability**

Look at it this way. A major theme addressed in the articles, testimonies and analysis that comprise our book is the endemic corruption and impunity with which the mining companies addressed in the book have, variously, been able to operate in Guatemala, with their Guatemalan economic and political partners.

Instead of providing the public with more information about serious situations of mining company-linked human rights violations, forced evictions, repression, health and environmental harms in Guatemala, Springer Nature, we believe, made unsubstantiated accusations about our work being irredeemably defamatory, inhibited our freedom of expression, and directly re-enforced the corruption and impunity with which mining companies often times operate around the world, as set out in the book manuscript.

### **“The third party” questions**

Might it be one of the companies addressed in the manuscript is the “the third party” and threatened the Swiss academic publisher to quash publication of a book documenting mining company harms, violence and destruction, corruption and impunity?

We believe there are many questions of public interests, but for us the key questions are:

- Who is “the third party” that Springer referred to? Was “the third party” a mining company addressed in the book?
- How and why did “the third party” receive the manuscript to read?
- At minimum, as is customary in the publishing industry, we should have been told what portions of the book Springer alleged contained “*unsubstantiated defamatory content*” and we should have been given the opportunity to address Springer’s concerns.
- What sections of the book did Springer consider contained “*unsubstantiated defamatory content*”? And why does Springer refuse to tell us?

Respectfully,

*Catherine Nolin      Grahame Russell*

Catherine Nolin and Grahame Russell

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Canadian Association of University Teachers  
Association canadienne des professeurs et professeurs d'université



# Financial Resolution re. Delegation of Authority

**Date:** November 2020

**To:** CAUT Council

**From:** Tony Cantin, Director of Finance, Human Resources and Operations

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CAUT has been asked by two financial institutions to provide a detailed banking resolution identifying its authorized officers and the extent of their authority. The text of the prior resolutions approved by Council was not detailed enough and no longer deemed acceptable by the said institutions. The proposed resolution is attached for your consideration.

## Financial Resolution re. Delegation of Authority

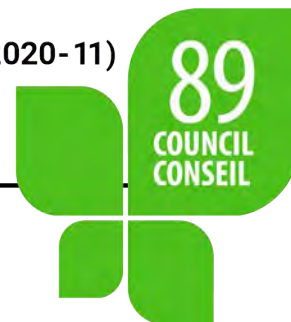
### BE IT RESOLVED THAT:

1. The CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS ("Organization") is authorized to open and operate accounts with and obtain financial services from any Financial Institution as deemed appropriate and necessary from time to time (the "Financial Institution") and to enter into agreements with the Financial Institution with respect to any banking and financial services offered by the Financial Institution from time to time.
2. The Organization authorizes the individual(s) listed on this form ("Authorized Individuals") to bind the Organization and to conduct all aspects of the banking and financial services relationship of the Organization with the Financial Institution, including without limitation, the following:
  - a) to enter into agreements with the Financial Institution including without limitation in accordance with any of the Financial Institution's forms, agreements and terms and conditions from time to time;
  - b) to give the Financial Institution instructions and perform transactions on behalf of the Organization with respect to the account(s) of the Organization with the Financial Institution and using any of the services offered by the Financial Institution from time to time;
  - c) to receive statements, instruments, agreements, terms and conditions, amendments to agreements and terms and conditions, and other documents, notices and communications with respect to the account(s) with the Financial Institution; and,
  - d) to settle the account(s) of the organization with the Financial Institution.

Authorized Individuals are:

Brenda Austin-Smith, CAUT President  
Yalla Sangaré, Treasurer  
David Robinson, Executive Director  
Tony Cantin, Director of Finance, Human Resources and Operations

3. The Financial Institution is entitled to rely on this resolution as duly and validly authorized and binding on the Organization. The Financial Institution is further entitled to rely on the authority of the Authorized Individuals to bind the Organization. The Financial Institution does not need to make any further inquiry into the authority of the undersigned, the authority of the Authorized Individuals and the validity of this resolution all of which will be enforceable against the Organization and may be acted upon by the Financial Institution.
4. There are no provisions in the constating documents, by-laws or any other resolution, agreement or document to which the Organization is bound which are inconsistent with this resolution. The Financial Institution is entitled to continue to rely on this resolution and the authority of the Authorized Individuals until the Financial Institution receives a valid resolution of the organization amending or rescinding this resolution.



## **MEMORANDUM OF COOPERATION**

**Between the**

**Canadian Association of University Teachers**

**and the**

**Fédération québécoise des professeures  
et professeurs d'université**

## PREAMBLE

1. The purpose of this memorandum of cooperation is to govern relations between the Canadian Association of University Teachers (CAUT) and the Fédération québécoise des professeures et professeurs d'université (FQPPU).
2. The areas of action identified shall include, without being limited to, representation to political authorities, exchange of data and information, and reciprocal participation of both organizations in their respective decision-making authorities, in accordance with the provisions set out in the present text.
3. The FQPPU shall retain its autonomy and independence.
4. Member unions of FQPPU that wish to become members of CAUT may do so in accordance with the terms and conditions set out in the CAUT General By-Laws.

## **SECTION I: OBJECTIVES OF THIS MEMORANDUM**

1. The objective of this memorandum is to facilitate effective cooperation between CAUT and FQPPU in order to develop, maintain and strengthen the ties between the two organizations, for the purposes of defending the principle of academic freedom, promoting academic interests, and contributing to improving the quality and accessibility of post-secondary education.
2. This memorandum defines the rights, responsibilities and jurisdictions of the parties.
3. This memorandum also establishes provisions on representation of the parties to the Government of Canada, the Government of Quebec, and the other provincial and territorial governments.
4. Finally, this memorandum outlines FQPPU representation to and participation with the CAUT's decision-making authorities, and CAUT representation to and participation with FQPPU decision-making authorities.

## **SECTION II: COOPERATION AND EXCHANGE OF INFORMATION**

1. The parties agree to exchange information for the promotion and defence of the academic profession's interests:
  - a. The parties shall each subscribe to the other's respective electronic publications and mailing lists;
  - b. The parties agree to exchange their calendars of activities and to inform each other of any subsequent change.
2. Each party agrees to invite the other party to its ancillary activities, such as seminars, forums, training sessions, etc.
3. Each party agrees to appoint a member of its respective staff as a liaison delegate for the purposes of this memorandum.

### **SECTION III: REPRESENTATION TO DECISION-MAKING AUTHORITIES**

1. Two FQPPU representatives with the right to speak, but without the right to vote, may attend meetings of the CAUT Council.
2. Two CAUT representatives with the right to speak, but without the right to vote, may attend meetings of the FQPPU Federal Council and Congress.
3. Each party agrees to send the other a notice of convocation for these meetings, as well as the relevant documents for these meetings. The notice of convocation shall be sent within the statutory time stipulated by each organization for the convening of its own members.
4. Each party agrees to send the other, in advance of its meetings, the name of its representatives.
5. The parties agree to facilitate collaboration between the various committees of each organization in order to exchange information and cooperate on any matter of mutual interest.
  - a. Each party shall encourage the other party's representation and participation with the right to speak, but without the right to vote, on the various committees.
6. The FQPPU and CAUT agree to cover the expenses of their respective delegations.

### **SECTION IV: REPRESENTATION AND GOVERNMENT RELATIONS**

1. When FQPPU wishes to intervene in a Canadian jurisdiction outside of Quebec, FQPPU agrees to inform CAUT of its intentions.
2. When CAUT wishes to intervene in Quebec, CAUT agrees to inform FQPPU of its intentions.
3. In matters of representation of the CAUT and FQPPU to governments, the parties shall strive to act jointly.
4. In cases where their positions diverge on certain matters, the parties agree to inform each other of their respective positions on a regular basis.

## **SECTION V: NATIONAL AND INTERNATIONAL REPRESENTATION**

1. At the international level, the two organizations shall have their own representatives and shall inform each other of their activities in this field.
2. FQPPU shall work together with CAUT as part of the public education network, along with other Quebec and Canadian partners.
3. The membership fees for international bodies, where applicable, will be divided into two for the share concerning members belonging both to CAUT and FQPPU.

## **SECTION VI: LANGUAGE OF COMMUNICATION**

1. All official correspondence between CAUT and FQPPU shall be conducted in the French language.

## **SECTION VII: INTERPRETATION**

1. This memorandum must be ratified by both parties under the provisions of the CAUT General By-Laws and the FQPPU *Statuts et règlements*.
2. The memorandum shall remain in force until May 1, 2020, and shall subsequently continue in force until either party gives notice of termination, such notice to be given six months before the decision takes effect.
3. In the event of disagreement over the interpretation of this memorandum, the French version shall take precedence. An English version of this memorandum shall be drawn up and approved by both parties.

November 4, 2020

**SUBJECT: FNEEQ-CSN REPORT TO CAUT COUNCIL**

The FNEEQ-CSN represents 35,000 members from 101 unions in Quebec, of which 90% are in higher education: 45 CEGEP unions representing 85% of all teachers in the college network, and 12 unions at 10 universities representing 85% of contract instructors (lecturers, tutors, senior lecturers).

There is no doubt that 2020 will remain engraved in our memory, as the degree of upheaval that it has brought to the world of education, both here and elsewhere, is unlike anything that we have experienced before. In Quebec, the date of March 13, 2020, is sure to become a historic milestone—on this day, Premier Legault announced a two-week closure of all daycare centres, schools, colleges and universities, thus proclaiming the end of what is now nostalgically referred to as “normal times.” After seven months of a barrage of Ministerial Orders, contradictory guidance and announcements of all kinds, it is clear that if the government is so determined to keep institutions open, it is not so much in order to keep its election promise of granting “priority to education” as to serve its economic interests and those of businesses.

In the context of the pandemic, the emergency measures put in place by the Government of Quebec forced all institutions of higher education, at one time or another, to resort to teaching in a “non-face-to-face mode”.<sup>1</sup> What was to have been temporary in the spring of 2020 has extended into the fall of 2020, and already, by the end of September, several universities were announcing that this mode of teaching would be extended into the winter of 2021. This change has major repercussions for the task of teachers represented by the FNEEQ. Most of the collective agreements do not address such rapid transformations, and the resources granted by the Government to institutions are inadequate for supporting our members, whose duties have become considerably more onerous. Quickly adapting courses, struggling to provide distance coaching for students, increasing the size of course sections, completely rethinking evaluations: every dimension of the teaching profession requires more time in this context. Consequently, the psychological health of our members has never been as fragile and worrisome. Teachers are truly at the end of their rope and, since the spring, the FNEEQ has tirelessly called for the Government to invest significant resources earmarked for teaching in order to support teachers in the winter 2021 session.

Since March 13, the FNEEQ has been very active in terms of political representations. It has continued to apply pressure on the Ministry and employers, with special emphasis on the following six demands:

- To guarantee the safety of settings of education, including higher education, and to give particular attention to the physical and psychological well-being of all their members by following the WHO recommendations before considering lifting restrictions;

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1. The FNEEQ considers that it is preferable to use this term rather than distance teaching. Reference: FNEEQ, Comité école et société, *Chronique d'un (dé)confinement* annoncé, [online] <https://fneeq.qc.ca/fr/publications/chronique-88-chronique-dun-deconfinement-annonce/> (page accessed on October 14, 2020).



## FNEEQ-CSN REPORT TO CAUT COUNCIL

- To favour stability for 2020–2021 and, wherever possible, predictable teaching activities in each session;
- To reach an agreement with the unions on the development of national guidelines and local modalities for work organization during a pandemic;
- To ensure equity between pupils, students, teachers and institutions;
- To respect the autonomy and professional judgment of teachers;
- To increase funding for education and higher education networks;
- To remunerate the work for teachers to adapt their teaching to a non-face-to-face teaching mode.

Before the pandemic, pressure to move to distance teaching was already mounting, and the FNEEQ created a platform for demands in May 2019.<sup>2</sup> After the pandemic, the pressure will clearly become untenable. The health crisis has accelerated a transformation of teaching practice that had already begun, but without consultation, without guidelines or national strategies and, above all, with no safety net for the working conditions of teachers. For many directors of institutions, particularly in the private or university sectors, non-face-to-face teaching imposed in part by public health authorities represents an un hoped-for opportunity to accelerate the conversion of courses to distance education (DE) that is structured and permanent. With the deterritorialization of education opening the door to purely mercantile opportunities, one can imagine that this will certainly have consequences for the professional autonomy of teachers and the survival of institutions in the regions.

Professional autonomy and academic freedom are based on individual practice as well as on collective practice. The conditions of practice must therefore allow for both to be maintained. What we have witnessed since the start of the pandemic does a disservice to both. By giving priority to information and communication technologies (ICTs), non-face-to-face teaching, as we have known it since the spring, has forced the transformation of both individual and collective practice, limiting it to the available technologies without leaving room for reflection or analysis. It would, however, be possible to integrate the new ICTs into course offerings to make them more accessible, without this affecting faculty autonomy. But this requires time and consultation, which we have been sorely lacking since the beginning of the health crisis. It is necessary, at all costs, to fight against unilateral decisions, made without transparency and with no heed to the opinions of experts in education. This is the immense challenge that awaits us in the immediate future.

**CAROLINE QUESNEL**  
**President**  
**FNEEQ-CSN**

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2. FNEEQ, Comité école et société, *L'enseignement à distance: Enjeux pédagogiques, syndicaux et sociétaux* [online] [https://fneeq.qc.ca/wp-content/uploads/190424EnseignementADistance-FINAL\\_CES\\_CF3\\_mai-2019.pdf](https://fneeq.qc.ca/wp-content/uploads/190424EnseignementADistance-FINAL_CES_CF3_mai-2019.pdf) (page accessed on October 14, 2020).



Canadian Association of University Teachers  
Association canadienne des professeures et professeurs d'université

# Collective Bargaining Report

**Date:** November 2020  
**To:** CAUT Executive Committee  
CAUT Council  
**From:** Mona Chevalier, Andrea Harrington, Jeff McKeil, Chantal Sundaram

## Bargaining Trends

Unsurprisingly, the bargaining environment continues to be shaped by the ongoing pandemic. Although domestic enrolment has held relatively steady or even increased at many institutions, there remains significant uncertainty about the financial impact of COVID-19 on Canadian colleges and universities. On October 8, 2020, Statistics Canada released university financial information for 2018-19 and financial projections for 2020-21.<sup>1</sup> Of particular concern is the heavy dependence of some institutions on international students, whose fees accounted for one third of the tuition revenue of Canadian universities in 2018-19. In addition, postsecondary institutions were excluded from the federal wage subsidy program and Safe Restart agreement. CAUT has called on the federal government to invest in a national strategy with the provinces and territories that provides adequate and stable federal funding to postsecondary institutions to reduce dependence on student fees and precarious workers.<sup>2</sup>

Because of uncertain revenues and the challenges of the transition to remote work and of securing adequate health and safety protocols for those academic staff who have returned to campus, most academic staff associations have found themselves in some form of bargaining with their employers over the terms and conditions of work during the pandemic. Many of the Letters of Understanding negotiated in the spring required renewal or modification to address institutional re-opening plans and the likelihood that most instruction will continue to be delivered remotely through the 2020-21 academic year and beyond. In addition, several employers approached associations to ask for various concessions purportedly intended to address financial difficulties. Letters of Understanding reached by associations have been posted in the password-protected area of the CAUT website. Generally, associations have been very successful at securing agreement to modify tenure and promotion timelines, to allow members to defer sabbaticals starting after the beginning of the pandemic, and to ensure that members will not be negatively evaluated as a result of the shift to remote instruction and disruptions to professional activities caused by the pandemic. Associations have also so far resisted demands for wage rollbacks and suspension of

1. See CAUT Memorandum 20:54 Re: 2018-2019 Financial Information of Universities and Projected Impact of COVID-19 for 2020-21, October 9 2020. [https://www.caut.ca/sites/default/files/memo\\_2054\\_2018-2019\\_financial\\_information\\_of\\_universities\\_and\\_projected\\_impact\\_of\\_covid-19\\_for\\_2020-21\\_2020-10-09.pdf](https://www.caut.ca/sites/default/files/memo_2054_2018-2019_financial_information_of_universities_and_projected_impact_of_covid-19_for_2020-21_2020-10-09.pdf)
2. CAUT Submission to the Pre-Budget Consultations in Advance of the 2021 Budget. A Path Forward: Post-Secondary Education & Research Critical for Canada's Future, August 2020.

negotiated increases. However, protecting the jobs of precariously employed workers and ensuring a sustainable workload, particularly for members with parenting and caregiving responsibilities, remains an ongoing challenge.

Associations with expired contracts or impending expiries continue to face the decision of whether to attempt bargaining by videoconference in a context where institutional revenue and enrolment may be uncertain. In many cases, parties have agreed to delay bargaining or roll over existing agreements, while other tables have concluded settlements despite these challenges. Other negotiations have proven exceptionally difficult, and several hot spots have emerged.

## Hot Spots

### Dalhousie Faculty Association (DFA)

As the certified bargaining agent for more than 950 professors, instructors, librarians and professional counsellors at Dalhousie, the DFA started engaging in negotiations with the Board of Governors in mid-July following the expiry of their collective agreement on June 30, 2020. The negotiations were precipitated when the Board rejected DFA's request to delay bargaining for a year due to the uncertainty related to the impact of the COVID-19 crisis. The Board demanded wage roll backs of 5% the first year followed by 0% for the last two years of the agreement and the following pension adjustments:

1. Full CPP integration which could result in decrease in annual pension benefits of up to \$21,000 a year.
2. Changes that would negatively affect indexing during retirement which would result in decreased pension for current and future retirees.

After seven days of negotiations, the parties reached an impasse and filed for conciliation on September 22. In early October, the DFA obtained a 91% strong strike mandate from their membership with an 87% turn out. On October 19, 2020, after the first scheduled day of conciliation, the parties again reached an impasse when the Board presented their best offer of 0.25% year one, 0.25% year two, wage reopener for year 3, and no change in their pension proposal. Following this impasse, the offer was put to a vote and 95% of the members voted to reject the offer made by the Dalhousie Board of Governors.

### Lakehead University Faculty Association (LUFA)

Negotiations at Lakehead University have been complicated by COVID and a poorly managed pension plan that has been the source of debate in previous rounds. The pension is a hybrid plan into which members have been paying disproportionately. The plan has the lowest employer contributions in the Province of Ontario and the impact of the "less CPP" offset language, found in both the plan and the collective agreement, has been exacerbated by the CPP enhancement that came into effect in 2019. The Association is seeking to move the plan towards a Jointly Sponsored Pension Plan (JSPP), but the employer is so far resisting this proposal, citing Bill 124, provincial legislation restraining compensation increases. A preliminary report by Eckler on the "adequacy of member pension benefits" offered by the Lakehead plan supports the Association's position but convincing the employer may require further pressure. The Association has filed for conciliation, but this was paused for mediation on the pension and for the Association to reformulate its pension proposal. The employer also has several concessions on the table, including a proposal for short-term layoffs that runs counter to financial exigency protection. Although a strike vote had not yet been held as of the end of October, job action preparation is underway.

## Laurentian University Faculty Association (LUFA/APPUL)

Bargaining for the main unit was paused in October pending a report by Ernst and Young on the university's financial situation. This study was commissioned by the employer after the start of negotiations that were already delayed by a lack of information to substantiate the employer's claims of financial crisis. The employer has tabled several monetary concessions in this round and there is an ongoing dispute over the unauthorized and unilateral suspension of admissions to seventeen programs. A Judicial Review, supported by CAUT, has been filed by the Association claiming that the suspension of admissions without the agreement of the Senate is a violation of the Laurentian University Act. There is also a dispute over the future of the many programs housed at three small, federated campuses (which are Laurentian programs) whose funding was massively cut just before the pandemic. Neither side has filed for conciliation, which is required for either strike-lockout or the unilateral imposition of terms by the employer. It is a situation of concern to watch.

## University of Manitoba Faculty Association (UMFA)

In their last round of bargaining, UMFA negotiated a salary reopener specifically to deal with the impact of the Public Services Sustainability Act. Since then, the Act was declared unconstitutional (though the Manitoba government is appealing). While there may be the possibility of reparations and damages through the court, unions in Manitoba are pursuing the issue in bargaining. While the government continues to pressure the University of Manitoba administration not to offer any salary increases, the Association has tabled a package that seeks full reparations for salary lost due to the PSSA and a fair increase in future years. Faced with this intransigence, UMFA adopted a strategy of member mobilization to pressure the employer to agree to arbitration. 700 members signed a petition demanding the University agree to settling the salary reopener through binding arbitration. As of November 4<sup>th</sup>, the employer was still refusing. A car/bike honk-a-thon took place in response, and a members' strike vote was held on Oct 30 to 31 with 80% voting in favour of job action. At this point, either party could move to bring an end to the Collective Agreement and be in strike-lockout position, which does not require conciliation or a waiting period in Manitoba.

## The Province of Alberta

The collective agreements of six CAUT member associations in Alberta expired on June 6, 2020: Association of Academic Staff University of Alberta (AASUA); Athabasca University Faculty Association (AUFA); the Faculty Association of the University of Calgary (TUCFA); Grant MacEwan University Faculty Association (GMUFA); University of Lethbridge Faculty Association (ULFA); Mount Royal University Faculty Association (MRUFA). At this point, only MRUFA has engaged in bargaining prior to last summer while others except AUFA agreed to bargain. However, many employers are claiming they cannot table salary or compensation, and in some cases other items until late October or November. This is likely due to the fact they are waiting to receive bargaining mandates from the Provincial government. Last fall, the Government gave itself the power to set binding and secret bargaining mandates for public employers, including universities and colleges. The expectation is that they will pursue salary and other compensation cuts as well as increased management rights and flexibility. In the wage re-opener arbitration decision between the University of Calgary and TUCFA (July 21/20), the employer proposed a 2% salary cut; however, the Association was awarded a retroactive 1.7% salary increase. At this point, the Premier, MLAs and some University Presidents have taken pay cuts and one association has been informed by their employer that they may be seeking to have the cost of sabbaticals covered by members through extra teaching.

The bargaining environment in Alberta is challenging not just because of low oil prices and the pandemic, but also due to the government's open attack on the rights of working people and public services. Alberta Campus Grants to post-secondary institutions are being cut around 20% (depending on the institution) in the UCP first three years in government and the Ministry of

Advanced Education budget is scheduled to drop from \$5.5 billion to \$5.1 billion over four years. Layoffs have taken place across the sector, primarily in support staff. Performance-based funding has been delayed until next year. Besides these financial cuts and layoffs, the Government, through the "Alberta 2030" budgets awarded in June a \$3.7 million contract to McKinsey & Company to produce "a road map for systemic transformation of post-secondary education" by the end of the year.

This summer the government passed Bill 32 which weakens employee rights under the Employment Standards Act and strengthens employer's ability to avoid unionization. It also denies union picket lines from blocking or delaying those crossing it and requires the Labour Board's permission when picketing secondary worksites. It also requires unions to obtain members "opt-in" for dues related to expenses for "political activities" (one step away from "Right to Work"). Currently, faculty associations are exempt from the opt-in for political activities rule, but it can be quickly imposed by Cabinet.

Faculty associations though are ready to bargain. They have been setting up job action committees and have been actively organizing and rallying in support of health care workers who the government plans to layoff up to 11,000 of their members.

## Mid-Contract Concession Proposals

At a number of institutions, the employer approached the association with proposals to forego negotiated across-the-board increases or progress-through-the-ranks increments, accept wage rollbacks or unpaid leave days, and make various other concessions. Such demands can place associations in a difficult position, particularly where contract academic staff and other employee groups are facing job losses. Association members are often willing to make sacrifices in order to protect students, vulnerable employees, and the institution, but it is important for associations to scrutinize the employer's financial claims and to satisfy itself that the concessions demanded would actually protect jobs. To date, employers making concessionary proposals have based their demands on projected declines in enrolment or revenue that have not necessarily been realized. In addition, employers have failed to demonstrate that their proposals would have a significant enough impact on expenditures to save jobs. It appears that what such employers are seeking is to create the impression of shared sacrifice rather than to remedy any financial difficulties.

The examples below are far from an exhaustive list but rather examples of employer demands and association responses.

### Cape Breton University Faculty Association (CBUFA)

The CBUFA Collective Agreement includes a process allowing the employer to make "a practical, early intervention" in consultation with the association to avoid a situation of financial distress. The employer at CBU can declare financial distress based on "catastrophic loss of revenue totalling at least \$3.5 million in one year (grant and/or tuition)" and projects such a loss based on its exceptionally heavy reliance on international student fees.

The employer's proposed concessions included demands that the association:

- Forego annual salary increases for 2020/2021
- Forego annual step increases for 2020/2021
- Agree to wage rollbacks for those with salaries in excess of \$100,000
- Agree that On-line Course Development Stipends will not apply in the current circumstances
- Discuss compensation if class sizes are impacted by public health requirements (for example, extra sections due to social distancing requirements)

In response to these proposals, CBUFA submitted an information request asking the employer to disclose the basis for its revenue projections. The request also asked the administration to explain how the projected revenue loss fits into CBU's overall financial picture, why the institution cannot absorb the loss in light of recent surpluses, and what other measures have been taken to either reduce revenue loss or decrease expenditure. CBUFA also requested that the employer detail the cost savings that would be realized by each proposed concession and the number of layoffs that would be avoided as a result.

The employer's response failed to satisfy the association executive, which nonetheless asked the membership to vote on the employer's proposals while recommending that they be rejected. The membership voted overwhelmingly against the employer's demands.

## University of Ontario Institute of Technology Faculty Association (UOITFA)

Relatively early in the pandemic, the employer proposed a series of mid-contract concessions ostensibly to alleviate financial pressure that might require layoff of support staff: a salary freeze (negating all previously negotiated ATB increases), no Career Development Increments (Progress-through-the ranks), and no merit pay. The need for this was not substantiated and at a well-attended Town Hall organized by the Association, members discussed a number of possible cost-saving measures that did not require opening the Collective Agreement and voted against accepting the concessions.

## Recent Settlements since March 2020

(with total wage increase over the period of the agreement)

### Full settlements

#### British Columbia Institute of Technology Faculty and Staff Association

Total of 6% over 3 years

#### Brock University Faculty Association

Total of 3 % over 3 years

#### Faculty Association of the University of St. Thomas (PT)

Total of 5.34% over 3 years

#### Faculty Association of the University of St. Thomas (Regular)

Total of 5% over 3 years

#### King's University College Faculty Association

KUCFA negotiated its first agreement after certifying under the Ontario Labour Relations Act in June 2020. 2% over 2 years in addition to a salary anomaly exercise.

#### Royal Roads University Faculty Association

Total of 6% over 3 years

#### University of Regina Faculty Association, First Nations University of Canada Academic Unit (RAS)

Total of 3.75% over 4 years

**Wilfrid Laurier University Faculty Association**

Total of 3% over 3 years (+\$900 system adjustment payable July 1, 2022, if Bill 124 is struck down)

**Rollover settlements****Association des professeurs, professeures et bibliothécaires de l'Université Sainte-Anne**

Total of 1.75% for 1 year

**Association des bibliothécaires, professeures et professeurs de l'Université de Moncton (ABPPUM)**

Total of 3% over 2 years

**Association of University of New Brunswick Teachers (RAS and PT)**

Total of 1.8% over 1 year

**Brescia Faculty Association**

Total of 1% over 1 year. The Brescia Faculty Association also negotiated new terms for contract academic staff, who were certified and merged into the bargaining unit in 2018.

**Laurentian University Faculty Association – Huntington University Unit**

Total of 1% over 1 year

**Laurentian University Faculty Association – Thorneloe University Unit**

Total of 1% over 1 year

**University of Prince Edward Island Faculty Association (RAS)**

Total of 4% over 2 years

**University of Prince Edward Island Faculty Association (CAS)**

Total of 4% over 2 years + additional \$300 to each step



Canadian Association of University Teachers  
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# Education Report

**Date:** November 2020

**To:** CAUT Executive Committee and Council

**From:** Justine De Jaegher, Education Officer

*Report on activities since July 2020:*

## Shift to Remote Courses

In light of the pandemic, CAUT continues to shift its courses to remote delivery through a hybrid asynchronous/synchronous model, using the Canvas Learning Management System (LMS) license provided by the Canadian Labour Congress and Zoom Videoconferencing. The following courses are currently or soon-to-be offered remotely:

## Existing Courses

### Grievance Handling

An introduction to dealing with members' workplace complaints. Through a series of discussions and exercises, participants learn when filing a grievance is an appropriate response, and if it is, how to proceed with thorough initial fact-finding, grievance drafting, and settlement discussions.

- Mount Allison Faculty Association, May 26-29 (facilitated by Dr. Sheila Embleton)
- University of Lethbridge Faculty Association, November 9-13
- Brandon University Faculty Association, November 9-13
- St. Francis Xavier Association of University Teachers, November 30-December 4

### Communications and Member Engagement

The purpose of this workshop is to (i) provide an introduction to the skills and tools that allow an association to effectively convey messages to members, the media, and the wider community, and (ii) strengthen associations by encouraging greater member participation in them.

- Mount Royal Faculty Association, October 8-13 (facilitated by Lisa Keller and Christina Muehlberger)

### Health and Safety

CAUT will be providing workplace health and safety training virtually during the COVID-19 pandemic. The Workers Health and Safety Centre (WHSC) is now able to provide some modules through Zoom on Workplace Inspections, GHS/WHMIS, COVID-19, and Chemicals.



### Collective Bargaining

This course allows participants with little or no negotiation experience to develop bargaining, language drafting and teamwork skills.

- *St. Mary's University Faculty Association, October 26-30 (facilitated by Jeff McKeil)*

### Labour Action for Equity

This workshop focuses on utilizing key association tools – collective bargaining, grievance arbitration, and mobilizing campaigns – to advance equity on campus. Designed for association leaders and activists, this workshop is an opportunity to strengthen the association's ability to more effectively achieve diverse, inclusive, and discrimination-free workplaces.

### Courses in Development

- Faculty for Climate Action - *Memorial University Faculty Association to engage in first course offering*
- Academic Freedom

### Analyzing University and College Financial Statements

In response to many colleges and universities freezing new hiring, seeking cuts to pay and benefits, and announcing staff reductions despite the full financial impact of the COVID-19 pandemic remaining uncertain, CAUT offered a three-part training session on *Analyzing University and College Financial Statements*. These sessions provided academic staff associations with the skills to interrogate the financial claims made by their administrations.

- *Zoom Videoconference, July 15-17 (facilitated by Drs. Janet and Cameron Morrill, associate professors of accounting at the Asper School of Business at the University of Manitoba, and authors of CAUT's Guide to Analyzing University & College Financial Statements)*

### Labour Under Attack: Implications for Academic Workplaces

In response to several provincial governments across the country restricting collective bargaining rights and seeking to weaken the collective action of unions and academic staff associations, CAUT hosted an on-line town hall looking at the more egregious attacks on workplace rights and offer strategies for how academic staff associations can challenge legislation and government interference in free collective bargaining.

- *Zoom Videoconference, August 26 (featuring Ricardo Acuna, President of the Academic Staff Association of the University of Alberta; Janet Morrill, past President of the University of Manitoba Faculty Association; Peter Engelmann of Goldblatt Partners; Peter McInnis, CAUT Vice-President; and moderated by Sue Blair, Chair of CAUT's Collective Bargaining & Economic Benefits Committee)*

### Organizing School: Engaging and Mobilizing Members

This two week long course provided 94 registrants from academic staff associations strategies for communicating and engaging with members to build the political power necessary to defend public education and protect members' health and safety, jobs, and rights, while striving to address, and not exacerbate, long-standing inequities and problems in the academic workplace. The online coursework and virtual sessions covered: (1) strengthening existing and developing new communication outputs, with a particular focus on digital tools; (2) building a membership engagement strategy; (3) campaigning tips and tools; and (4) best practices to strengthen association representation.

- *Canvas LMS & Zoom Videoconference, September 21 – October 2 (facilitated by Christina Muehlberger and Justine De Jaegher, featuring several member and staff speakers)*



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# Occupational Health and Safety Report

**Date:** October 23, 2020

**To:** CAUT November Council

**From:** Laura Lozanski, Occupational Health and Safety Officer

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## Health and Safety Training During COVID

CAUT will be providing occupational workplace health and safety training virtually during the COVID-19 pandemic. The Workers Health and Safety Centre (WHSC) is now able to provide some modules through Zoom in two-hour or three-hour modules.

The following modules are currently available by virtual training:

Workplace Inspections (including COVID) – 3 hours  
GHS/WHMIS – 3 hours  
COVID-19 – 3 hours  
Chemicals – 3 hours

You will need to be able to host Zoom on your computer as there are power point and video components to the training sessions.

\* Please note that you must be able to use video and audio in the sessions. Video must be turned on for the duration of the training session. The instructor must be able to verify you by video in order to qualify for course recognition. If you have internet access issues, please contact me directly at the time of registration so that we can discuss potential alternatives. Virtual sessions will allow CAUT academic staff association representatives and their members to participate collectively in national training sessions, as well as being able to participate in virtual events planned locally at their individual campuses.

Please contact Laura Lozanski at [lozanski@caut.ca](mailto:lozanski@caut.ca) to request a training session on these and other workplace hazards.

## COVID Resources

As the COVID pandemic continues, Occupational and Industrial Hygienists are at the forefront of cutting-edge research and tools on how to assess and contain exposure to COVID, and the role and effectiveness of Personal Protective Equipment (PPE). Workplace Health Without Borders (WHWB) is a volunteer organization of international hygienists and researchers collaborating with health and safety activists on best standards and practices for workplace health and safety. It is based in

Canada, with the Occupational Health Clinics for Ontario Workers as a primary partner. Their work during the pandemic is focusing on COVID assessment and containment: <https://www.whwb.org/>. There is a link to COVID resources at the bottom of the home webpage.

The Occupational Health Clinics for Ontario Workers (OHCOW) has a webpage dedicated to workplace COVID tools - <https://www.ohcow.on.ca/covid-19.html> - and has a YouTube video on working from home that is easily shareable: <https://www.youtube.com/watch?v=iSSOpY2Ht7s>. OHCOW has a tool for workplace ventilation that workers and JHSC committees can use to review and enhance ventilation capabilities: <https://www.ohcow.on.ca/ventilation-checklist-2.html>.

The Workers Health & Safety Centre (WHSC) also has training, tools and information on COVID: <https://www.whsc.on.ca/Resources/Publications/COVID-19-Resources>. These resources include workplace inspections during COVID.

The American Industrial Hygienist Association (AIHA) is a participating partner with Workplace Health Without Borders (WHWB), and have developed a series of returning to work safely documents and protocols.

The AIHA is a resource for occupational and industrial hygienists in Canada, and is a reputable and reliable source for occupational hygiene. All of the principles in their resources are transferable except for references to specific US legislation or regulations. These documents and principles will be helpful for the practical side of implementing local, provincial and federal requirements for containing COVID-19 in your region.

[https://www.aiha.org/public-resources/consumer-resources/coronavirus\\_outbreak\\_resources/aiha-covid-19-pandemic-efforts/free-covid-19-public-resources](https://www.aiha.org/public-resources/consumer-resources/coronavirus_outbreak_resources/aiha-covid-19-pandemic-efforts/free-covid-19-public-resources)

<https://www.backtoworksafely.org/>

### **Accommodation for academic staff**

Workplace accommodations are becoming challenging during the COVID pandemic. Workers are experiencing lack of support or challenges by the employer as to the legitimacy of their needs. Some of those needs have shifted to working from home, particular accommodations like ergonomics, equipment, mental health support, the ability to balance work and home requirements, particular support for medical conditions, transportation issues, etc.

The Centre for Research on Work Disability Policy (CRWDP) has presented several research projects on disability and accommodation during COVID, and most recently, presented on how transformational leadership in the workplace is an excellent prevention tool in assisting workers managing chronic pain. A Canadian Survey on Disability (Statistics Canada, 2017) reports that the prevalence of chronic pain disability is 14% among working age adults in Canada. The current study examines the role of transformational leadership regulating the relationship between chronic pain and work disability. Transformational leaders pay attention to the individual needs of their employees and can attend more specifically to the unique needs of their employees who suffer from chronic pain and mental health problems associated with chronic pain. More information can be found here [www.crdwp.ca](http://www.crdwp.ca).

Academic association staff and elected representatives are finding this work challenging but are finding appropriate and creative solutions by working with CAUT's collective bargaining and health and safety staff. It is important that academic staff associations ensure training and support for their workplace representatives so that they can represent and support their members.

### **Control Banding – an effective tool to manage hazard risks**

The Canadian Centre for Occupational Health and Safety (CCOHS) defines control banding as follows:

Control banding is an assessment method that can be used to manage workplace risks. It is a process that matches, for example, a control measure (e.g., ventilation, engineering controls, containment, etc.) to a range or "band" of hazards (e.g., skin/eye irritation, very toxic, carcinogenic, etc.). The control banding method also groups chemicals according to similar physical or chemical characteristics, how the chemical will be handled or processed, and what the anticipated exposure is expected to be. The method then determines a set of controls chosen to help prevent harm to workers.

In general, bands represent:

- health hazards or risk (e.g., skin/eye irritation, carcinogenic, etc.),
- exposure potentials (e.g., quantity used, or characteristics of the products),
- control measures (e.g., types of ventilation, engineering controls, containment, etc.).

[https://www.ccohs.ca/oshanswers/chemicals/control\\_banding.html](https://www.ccohs.ca/oshanswers/chemicals/control_banding.html)

The Lawrence Livermore National Library (LLNL) collaborates with OHCOW, and focuses on research and technical assistance to develop control banding for all workplace hazards:

Control banding (CB) strategies offer simplified solutions for controlling worker exposures to constituents that are found in the workplace in the absence of firm toxicological and exposure data. These strategies may be particularly useful in nanotechnology applications, considering the overwhelming level of uncertainty over what nanomaterials present as potential work-related health risks and how these risks can be assessed and managed appropriately.

<https://controlbanding.llnl.gov/>

## Electromagnetic Field Exposures

CAUT is participating with the Canadian Centre for Occupational Health and Safety (CCOHS), academic researchers, labour, healthcare professionals, ministry representatives and others with the Occupational Health Clinics for Ontario Workers (OHCOW) new EMF and Health Network to develop strategies and educational components on the issue of electromagnetic (EMF) exposure, particularly in the workplace.

Dr. Magda Havas, Professor Emerita at Trent University, is collaborating with OHCOW on developing EMF tools, is an environmental toxicologist researching the effects of chemical and electromagnetic pollutants on humans and other species. She is currently researching electrosmog, electromagnetic hygiene, electrohypersensitivity and electrotherapeutics. For more information visit her websites: [www.magdahavas.com](http://www.magdahavas.com) and [www.youtube.com/magdahavas](http://www.youtube.com/magdahavas).

<https://www.dropbox.com/s/q5uxm64pswy9552/EMF%20Health%20Network%20final.wmv?dl=0>  
<https://youtu.be/kfIccyOrYVI>

Sheena Symington is the Director of the Electro Sensitive Society which assists people who are Electro Hyper Sensitive (EHS). Sheena works as a Research Associate with Dr. Havas ([www.theroselab.com](http://www.theroselab.com)) and provides information to educate people on how to maintain an electromagnetically clean environment.

These are some links for information for healthcare professionals and accommodating workers with EMF sensitivities at work. A form for Taking an Exposure History that workers can fill out and take to their healthcare provider can be found on this website.

\*Please note that the organization does not offer diagnosis or medical support.

<https://www.electrosensitivesociety.com/>

<https://www.electrosensitivesociety.com/information-for-health-care-professionals/>

<https://www.electrosensitivesociety.com/accommodating-ehs/>

### **Collective agreement language**

Academic associations should continue incorporating and enhancing health and safety collective agreement language during the pandemic, to ensure effective workplace health and safety. CAUT has several resources to assist with strengthening and improving health and safety language, particularly during the collective bargaining process. Please contact Laura Lozanski at [lozanski@caut.ca](mailto:lozanski@caut.ca) for more information.

### **Canadian Labour Congress**

The Canadian Labour Congress' (CLC) Health, Safety and Environment Committee will be meeting in the next few weeks.

### **Joint Health and Safety Committee Training**

Academic staff associations should ensure they have representatives elected or appointed to their workplace joint health and safety committees (JHSC). JHSC training needs should be reviewed on an on-going basis to ensure compliance with provincial, federal and other training requirements. JHSC representatives need a sound knowledge base in health and safety to effectively carry out their legislated duties. Contact CAUT's Occupational Health and Safety Officer at [lozanski@caut.ca](mailto:lozanski@caut.ca) for course information and to schedule training dates.

### **General health and safety training**

CAUT offers training on many hazard-specific health and safety issues, such as:

- Asbestos
- Mental Health and Workplace Stress
- Lockdown: a crisis prevention plan
- Workplace Inspections
- Indoor Air Quality
- Ergonomics
- Violence

These and many more are three-hour modules and can be delivered as stand-alone sessions or as an addition to the Joint Health and Safety Committee Training module.

### **Upcoming health and safety training**

Training is now resuming using virtual sessions. Please contact Laura Lozanski at [lozanski@caut.ca](mailto:lozanski@caut.ca) to book a session.



Canadian Association of University Teachers  
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# Political Action Report

**Date:** November 2020  
**To:** CAUT Executive Committee  
CAUT Council  
**From:** Pamela Foster, Director of Policy and Communications

## COVID-19 and the impact on the academic job

When the public health emergency was declared in March, academic staff moved overnight to ensure education continuity for over 2 million students, many while juggling additional family responsibilities. CAUT [surveyed academic staff](#) in May-June to better understand the impact of the pandemic on the academic job. 4300 responded. Of these, the vast majority showed increased workload from remote teaching and higher stress and anxiety. Research had slowed or stalled all together for 2 out of 3. 1 in 10 of the respondents were working less or not at all since the pandemic began. Only 1 in 4 felt they had been consulted before decisions that affect them were made. These survey findings help inform and support advocacy locally and nationally.

CAUT also [surveyed students](#) about their fall plans, together with the Canadian Federation of Students. This poll of 1000 new or returning students showed that a significant number were considering postponing their education in the fall. It also showed deep concerns about affordability. This poll garnered significant interest in the media and in Ottawa. CAUT briefed staff in the Prime Minister's Office as well as the Office of the Minister of Employment and Social Development Canada.

To facilitate awareness and actions to address the impacts of the pandemic on the academic job, we held a [series of townhalls](#) on various issues, such as remote teaching, research, intellectual property, contract academic jobs and more.

COVID-19 and the global uprising against racism that occurred after the murder of George Floyd in the USA shone spotlights on long-standing inequities. To examine the role of post-secondary institutions in perpetuating and addressing racism and other forms of discrimination, we held a townhall on [systemic racism in the academy](#) and released guidance on [steps that associations can take to address equity](#).

We tracked and continue to track university and college [re-opening plans](#). We developed [a checklist](#) to assess health and safety plans. We also track enrolment numbers, finances, labour force changes, international student policies, student financial assistance and tuition to bring the best evidence to inform policy and negotiations.

## Federal advocacy

CAUT called on the federal government to include academic staff and students at public post-secondary institutions in emergency support programs. We did so in [submissions](#) to parliamentary committees, in [letters](#), in our [2021 pre-budget submission](#) and in outreach to government officials.

In response to lobbying efforts, the federal government extended [emergency supports to students](#), increased flexibility to shore up international student enrolment and invested in [temporary support for research](#).

We also continued to press for greater federal investment in core operating funding, basic research, and student financial assistance. We laid out our vision in a report, [The Federal Opportunity: Strengthening Canada's Knowledge Advantage for 2020 and Beyond](#), which was shared with MPs through our Parliament Hill Days, November 16-20. We met with over 60 MPs and key political staff. A snapshot of our messages can be read [here](#).

CAUT participated in a government consultation on the Temporary Foreign Worker Program, and in discussions with the federal Anti-Racism Secretariat and Statistics Canada on the [Survey of Post-Secondary Researchers and Faculty](#).

To help push post-secondary education higher on the federal agenda, CAUT worked to raise awareness of the issues through the media. Below are recent stories related to CAUT's federal advocacy work.

- President Brenda Austin-Smith explains the challenges on [CBC Radio's Sunday Edition](#).
- [New workloads causing anxiety and despair for Montreal's university students](#) (multiple outlets)
- [International students worry about the pandemic as decisions loom on travel to Canada](#) (Toronto Star)
- [Some Canadian universities say fall classes will be offered primarily online as pandemic uncertainty persists](#) (Toronto Star)
- [The changing face of post-secondary education](#) (multiple outlets)
- [The verge of burn-out, COVID-19 a factor for universities, colleges in contract talks](#) (CBC)
- [Laurentian faculty battle over suspended programs](#) (multiple outlets)
- [Switch to online learning not universally welcomed by students](#) (multiple outlets)
- [COVID-19: Students face a precarious future](#) (multiple outlets)
- [Post-secondary students deserve reduced tuition](#) (multiple outlets)
- [Plus de travail et plus de stress pour les professeurs d'université](#) (multiple outlets)

## National advocacy

This summer, we held a webinar on the [attack on labour](#) underway in several provinces and its implications for academic workplaces. CAUT also joined a coalition [fighting Bill 32](#) in Alberta, which, is the first "right to work" type legislation to be passed in Canada. We made a submission, upon invitation, to the Alberta opposition's consultation on post-secondary education.

CAUT is also supporting the Manitoba campaign to [defend and not de-fund](#) its universities and the Laurentian campaign on governance.

We continue to speak out against [performance-based funding](#), calling for it to be permanently-shelved.

With members across the country, CAUT amplifies national actions of members and member associations that advance shared goals. This fall, CAUT called for support of the [Scholars Strike](#) to mobilize for racial justice and a petition calling on university presidents to declare [a climate emergency](#).

## Fair Employment Week 2020

Fair Employment Week took place virtually this year, with a full week of events, including a professional development webinar [on intellectual property](#), a panel on [organizing wins for contract academic staff](#) and a keynote by UK academic and activist, [Liz Morrish](#).

## International solidarity

Academic staff in Canada are united with teachers' associations and unions around the world through its affiliation with Education International. CAUT President Brenda Austin-Smith participated in Education International's World Teachers Day event, discussing issues of mental health and well-being. ([Tune in at hour 4](#) of North American and Caribbean Teachers Take the Lead video).

We spoke out against violations of civil liberties and academic freedom around the world:

- The delivery of death threats in the form of obituary notices and a funeral wreath naming the executive committee members of a [teachers' union in Colombia](#).
- The arrest of Mr. Eslami, a dual national Iranian-Canadian citizen and member of the scientific board of Shahid Beheshti University in Tehran where he teaches human rights and environmental law.
- The [murder of French professor](#), Samuel Paty.
- The detention of Carleton student [Cihan Erdal](#) in Turkey.
- The firing of professor [Xu Zhangrun](#) in China for human rights activity.
- The dismissal of [pro-democracy activist professor Benny Tai](#) from his tenured position as an Associate Professor of Law at the University of Hong Kong and the passage of the National Security Law for Hong Kong.

CAUT also seeks to influence the OECD's work on tertiary education. This fall, CAUT participated in consultations on precarity in the research community and on education technology.

## A look ahead

The fall Speech from the Throne set out an ambitious agenda for the government. Getting new commitments in either the Fall Economic Update or Budget 2021 will take collective effort. CAUT is developing a campaign with the Canadian Federation of Students, the Canadian Union of Public Employees, the Public Service Alliance of Canada and others to help propel post-secondary education on to the federal agenda, in what may well be an election year.



October 2020

## Report to CAUT Council

Since our last written report to Council in April 2020, the Committee has met twice, once in August and again in October of 2020. Our major focus has been on the alarming number of academic freedom cases across Canada in the wake of COVID 19. The Committee reviewed and discussed no less than 15 such cases at its August meeting and, in October, reviewed and debated the current case at the University of Toronto Law School, which Council will discuss at this meeting. These cases are in addition to the on-going investigation into the Peter Wall Institute for Advanced Studies at the University of British Columbia, and lingering concerns surrounding the Dr. Derek Pyne case at Thompson Rivers University. Discussions in Committee have focused on the reasons behind the rising number of these cases, and include: the perceived conflict between equity issues and academic freedom in the classroom and across campus; the threat of performance-based funding on bench science and autonomous research; the erosion of collegial governance and an increase in administrative overreach in the wake of COVID 19; the impact of privately-owned forms of educational technology on the privacy rights and academic freedom of faculty members; and escalating work demands and scarcity of resources for faculty members dealing with emergency remote teaching.

The Committee has had to prioritize and scale back some of its activities due to COVID 19. The academic freedom workshop is still in the planning stage, but our planned review of research ethics requirements is on hold. We are working with members of the Equity Committee to compose an Equity and Academic Freedom 'explainer' that will be circulated to member associations soon. In addition, the Executive Director is working on an interpretive guide to the legal issues surrounding academic freedom rights for member associations. We have also approved a first draft of a policy statement on security costs for outside campus speakers, which will be circulated to other committees for review.

The Committee is grateful for the continued insight and support of our colleagues at the American Association of University Professors.

### Policy Statements/Model Clauses

#### New Documents

- Outside Speakers and Campus Security Concerns

#### Ongoing Cases

The Committee reviewed cases undertaken by the Executive Director. He will report to Council on these many cases.

**Current Committee Members**

Alison Hearn (Western) Chair, Sally Gunz (Waterloo), Lorelea Michaelis (Mount Allison), Michelle Weber (Brock), Kevin Kane (Alberta), Dennis Fitzpatrick (Regina), Alain Viau (Laval), Michael Arfken (UPEI), Kent Donlevy (Calgary) and Observer, Hank Reichman (AAUP). Ex-officio: CAUT President Brenda Austin-Smith (Manitoba); CAUT Vice-President Peter McInnis (St. Francis Xavier), and CAUT Executive Director David Robinson.

**CAUT Staff Support for AF&T**

Justine de Jaegher (Education Officer), Margaret McGovern-Poté (Executive Assistant to the Executive Director) and Monique Cooke (Administrative Assistant to the Executive Director) have been most helpful in organizing and tracking our deliberations and the related documentation.

The Committee wishes to thank members of Council and our colleagues nationally for their work defending our collective academic freedom.

Respectfully submitted,

**Alison Hearn, Chair**

**CAUT**  
Collective Bargaining  
& Economic Benefits  
Committee

Comité de la  
négociation collective et  
des avantages économiques  
de l'ACPPU

November 2020

## Report to CAUT Council

The Collective Bargaining and Economic Benefits Committee (Ann Bigelow, University of Western Ontario; Lee Easton, Mount Royal University; Bob Davis, Kwantlen Polytechnic University; Jennifer Love Green, University of Regina; Sharon Myers, University of Prince Edward Island; Larry Savage, Brock University; Michael Shaw, University of Manitoba; and John Kingma, Syndicat des professeurs et professeures de l'Université Laval) met remotely in March and August 2020.

During this past year, the Committee continued their ongoing discussions around supports for mobilization and organizing activities, and reviewed policy statements and model clauses that were referred from other CAUT committees, the Executive, or that were up for regular review, including the Guidelines for Decision-Making within Academic Staff Associations during Collective Bargaining.

Over the last six months, the Committee has also been focused on understanding the impact of COVID-19 on collective bargaining for academic staff associations and anticipating some of the challenges that they will be facing in the months ahead. In particular, we undertook extensive discussion in the August meeting about how to adapt the organizing model to online contexts and explored ways to undertake collective action in support of collective bargaining during times of physical isolation due to social distancing and quarantine. The Committee is currently working on reviewing CAUT's collective bargaining workshop, moving the Chief Negotiators Forum online, and further brainstorming on how to provide resources to further support academic staff associations throughout the pandemic.

I look forward to seeing you at the next in-person Council.

Respectfully,

Sue Blair, Chair  
Collective Bargaining and Economic Benefits Committee



**Sue Blair // CHAIR // PRÉSIDENTE // UNB**  
Bob Davis // FPSE BC  
Lee Easton // Mt. Royal  
John Kingma // Laval

Jennifer Love Green // Regina  
Desmond Maley // Laurentian/Laurentienne  
Larry Savage // Brock

Michael Shaw // Manitoba



October 2020

## Report to CAUT Council

The CAUT Contract Academic Staff (CAS) Committee last met in person at the regular Committee meeting in March, 2020, in Ottawa. During that meeting, Committee members spent a significant amount of time planning the CAS Conference scheduled for October 2020. It was decided that the 2-day conference would be organized by a set of panels and workshops that focused on main issues significant to CAS: Academic Freedom, Bargaining, Mental Health and Wellness, Student Opinion Surveys and Mobilizing.

The associations represented in the CAS Committee at this time were the University of Alberta (Tim Mills), the University of British Columbia (Sarika Bose), the British Columbia Institute of Technology (Holly Munn), Concordia University (Nick Papatheodorakos), the University of Calgary (Polly Knowlton-Cockett), Grant MacEwan University (Shannon Robertson), Nipissing University (Rhiannon Don), the Federation of Post-Secondary Educators of British Columbia (Teresa Fedorak) and the University of Toronto (Kristin Cavoukian). Issues discussed by the Committee were the budget cuts in Alberta and Ontario, seniority and career advancement language in collective agreements, inequities in access to campus workspaces for CAS, performance-based funding, provincial government intervention during bargaining processes, cyber-bullying, student opinion surveys, and increased job precarity due to more contracts with decreased protections for rehiring. There was some preliminary discussion about what situations might arise if COVID-19 necessitated moving to online teaching in the middle of term. The meeting was supported by former CAS Committee professional officer, Robert Johnson, for whom this was the last meeting before his retirement at the end of March.

After the March lockdown due to COVID-19, some of the associations in the process of bargaining were obliged to delay while CAS and colleagues at all ranks found themselves pivoting to online teaching. The additional workload required as instructors adapted their courses and assignments in the middle of term continued throughout the summer, whether CAS were actively teaching or were preparing for the fall term. The workload included taking training courses, and at some institutions such as BCIT, CAS were provided with some reimbursement for the extra preparation work. During the summer, the CAS Committee has met regularly through Zoom. The Committee's membership has changed, with Queen's University (Chantal Brunette) replacing Grant MacEwan, and Kristine Smitka becoming the new representative for the University of Alberta Faculty Association. In September, the CAS Committee met for a longer, more formal meeting in lieu of the meeting scheduled to take place along with the Conference in October. As CAUT's recent survey on COVID-19 and working conditions has found, concerns about workload, working conditions and mental health have become amplified by the pandemic. For CAS, job security has

become even shakier than before, and several CAS report reduced course loads or job losses at their campuses.

During the summer months and at the beginning of the fall term, several members of the CAS Committee contributed to local and CAUT workshops and webinars, including serving as breakout group facilitators during CAUT's 4-day remote course on Member Organizing. One committee member was an organizer for the remote panel held for COCAL (Coalition of Contingent Academic Labour), and the Chair was a panelist. Several Committee members and their associations participated in various ways in Scholars Strike events on September 9-10.

It was clear by the middle of summer that the CAS Conference scheduled for October, and held every 3 years, would have to be postponed until next year. However, CAUT has organized a week of virtual events to take place during Fair Employment Week which falls between October 19-23 in 2020. These include:

- a panel on member organization with presenters from UPEI, UOIT and Wilfrid Laurier, moderated by the CAS Committee Chair;
- a webinar by Dr. Sam Trosow on intellectual property rights for CAS during this time of remote learning;
- a keynote address by Dr. Liz Morrish on the ways in which the pandemic has affected labour, pedagogy and academic values;
- a day of virtual action;
- a Zoom social to discuss and strategize about working conditions and other issues affected by the pandemic.

In addition, several associations across Canada have scheduled Fair Employment Week events to highlight the conditions of CAS.

The CAS Committee will continue to meet regularly via Zoom throughout the 2020-2021 academic year to keep abreast of the conditions under which CAS are working during these unusual times. The Committee deeply appreciates CAUT's advocacy for CAS concerns in the Canadian post-secondary sector, and looks forward to working together to support collegiality and solidarity between all ranks of academics.

I would like to acknowledge the warm support of all CAUT officers, to thank our former CAUT staff officers, Christina Muehlberger and Robert Johnson, and to welcome Justine De Jaegher as our current CAS Committee Staff Officer.

Respectfully submitted by,  
**Sarika Bose, Chair**

November 2020

## Report to CAUT Council

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The Equity Committee welcomed a new member, Kenzie Woodbridge from BCITFSA and thanked departing members, Weizhen Dong and Joanne Quirk, for their contributions. Our work has focused on informing an equity approach to CAUT's response to the pandemic, which is shining a spotlight on inequities in the academy and in society, and to anti-Black racism, which was highlighted following the murder of George Floyd in June.

### 10 Actions to Advance Equity During COVID-19

The Committee supported the compilation of various actions that associations could take to assist in mitigating the disproportionate impacts of the pandemic on Indigenous and equity-seeking members. These actions range from pressing for more equity data on workplace issues and pandemic impacts to enhancing mental health supports and improving access to childcare.

### Townhall on Systemic Racism

The Committee supported two townhalls on systemic racism, one in French and one in English, to discuss issues of racism on campus and what can be done. Over 200 members participated in the townhalls, discussing their experiences and the role that academic staff associations can take to address inequities.

As a result of feedback, the Committee is consulting with member organizations about setting up of equity caucus meetings, starting with one for Black faculty.

### Stakeholder Events

Co-Chair Momin Rahman participated in the National Dialogues on anti-Black racism, hosted by the University of Toronto Scarborough, which is working towards a Charter on anti-Black racism and inclusion, which all post-secondary institutions will be encouraged to endorse.

He also participated in the American Association of University Professors Summer Institute, discussing how to rebuild higher education around the pillars of equity, affordability, and quality, and a federal government consultation on its anti-racism strategy.

### Equity Toolkit

The Committee continues to provide advice to CAUT on the development of tools to advance equity. The plan is to have an online hub or toolkit of resources and action plans to support and inspire associations to address various equity issues up in 2020. It will continue to develop and grow with your help. If you have examples of how your association has helped to advance equity or issues in need of support, please do reach out via the contact form on the CAUT website.

As Co-Chairs, we would very much like to thank all the Committee members, past and present, for their tremendous contributions this year.

Respectfully submitted,

**Pat Armstrong, Co-Chair and Momin Rahman, Co-Chair**

November 2020

## Report to CAUT Council

The Librarians' and Archivists' Committee continues to monitor the working conditions of our members during these extraordinary times. We are committed to working in support of fair and equitable working environments for librarians and archivists at member institutions across Canada, as they face variable institutional responses to the covid-19 pandemic.

The committee is comprised of: Jennifer Dekker (Association of Professors of the University of Ottawa), Orvie Dingwall (University of Manitoba Faculty Association), Jane Lamothe (University of Saskatchewan Faculty Association), Kathleen Scheaffer (University of Toronto Faculty Association), Daniel Scott (Laurentian University Faculty Association), and Katherine Watmough (Thompson Rivers University Faculty Association – FPSE BC). The committee has formally met once via Zoom since the modified Spring CAUT Council, in addition to informal Zoom meetings and increased email contact.

Prior to the global pandemic, on October 25-26 2019 the CAUT Librarians' and Archivists' Conference was held in Ottawa, titled *Navigating the Reorganization*. This theme was chosen in response to reorganization exercises happening in postsecondary Libraries across Canada, in which the activities and duties, working environments, and professional priorities of librarians and archivists would be altered, sometimes drastically, often without meaningful collegial engagement. The conference was intended to provide education and national context for such reorganizations, to give attendees ideas and tools for resisting reorganizations undertaken without fulsome collegial engagement, and to offer the opportunity for librarians and archivists to share experiences and discuss reorganizations and other labour issues they face at their home institutions. The conference featured keynote speaker Larry Savage (Brock University) on "The Future of Academic Librarians and Archivists"; a panel moderated by Katherine Watmough on "The Neoliberal Context" with panelists Harriet Sonne De Torrens (University of Toronto), Francesca Holyoke (University of New Brunswick) and Marc Richard (McGill University); a panel moderated by Tim Ribaric on "Particular Cases and the Big Picture" with panelists Jennifer Dekker (University of Ottawa / Université d'Ottawa), John Costella (University of Western Ontario), and Leila Saadaoui (Laurentian University / Université Laurentienne); a panel moderated by Tara Mawhinney on "Tools of Resistance" with panelists Brenda Austin-Smith (CAUT President / Présidente de l'ACPPU), Carla Graebner (Simon Fraser University), and Immanuel Lanzaderas Legal Officer, CAUT / Conseiller juridique de l'ACPPU; and closing speaker JP Hornick with "Bringing It All Together – Mobilizing to Defend and Advance Our Work." These accomplished and inspiring speakers provided the backbone for the conference, which was enhanced by breakout discussions for attendees, and two well-received active-engagement exercises: "Reorganization Now" (led by Kate Cushon) and "The Librarians' Council" (led by Orvie Dingwall). Simultaneous translation in English and French was provided for this conference, which had 91 attendees and presenters.



The conference received positive feedback from attendee surveys, with many delegates expressing a desire for more frequent engagement with other CAUT-member librarians and archivists.

The Librarians' and Archivists' Committee liaised throughout 2019 with the CAUT Francophones' Committee to develop a joint Policy Statement on Equity Among Librarians Working in French and English Within the Same Post-Secondary Institution. It is our hope that this document will be approved by CAUT Council, so that it can provide guidance for our members facing issues of inequity at institutions where their work is done in both of Canada's official languages.

In late 2019, the Canadian Association of Research Libraries / Association des bibliothèques de recherche du Canada (CARL/ABRC) called for commentary on a draft of a document, "Competencies for CARL / ABRC Librarians." This document alarmed many librarians at CAUT member institutions, and the CAUT Librarians' and Archivists' Committee wrote and sent a letter outlining our concerns. We noted evident lacunae of particular interest to CAUT members, including:

- No mention of collegial governance
- No mention of working with unions, bargaining units, or collective agreements
- No mention of academic freedom for librarians

Our letter also noted the document's conflation of institutional needs with individuals' careers; a focus on librarians' soft skills, rather than on hard skills such as computer programming, data analysis, data management, analytical skills – many of which are included in academic librarians' job descriptions. Our letter identified CARL as representing library administration, while CAUT represents thousands of librarians working in-scope at CARL institutions, and noted that it would be appropriate to take into account these concerns as the draft document was finalized. The CAUT Librarians' and Archivists' Committee received an acknowledgement of our letter. The final version of the "Competencies for Librarians in Canadian Research Libraries" was published in September 2020 (English: <https://www.carl-abrc.ca/strengthening-capacity/human-resource-management/core-competencies-21st-century-carl-librarians/>; Français: <https://www.carl-abrc.ca/fr/accroitre-la-capacite/11952/competences-fondamentales-des-bibliothecaires-de-labrc-au-xxie-siecle/>). We note improvements in descriptions of individual librarians' skills and career development that are in keeping with some of the concerns raised in our letter. However, there is still a dearth of engagement with collegial governance of academic libraries, academic freedom for librarians in carrying out their duties, or working effectively with collective/collegial bodies such as faculty unions and library councils. As such, the CAUT Librarians' and Archivists' realizes there is still work to be done in activism related to protecting the status of academic librarians and archivists at Canadian institutions, as it concerns documents put out by CARL and other administration-focused organizations.

# Draft Minutes

## August 25, 2020

November 23, 2020

### CAUT Clinical Faculty Committee Meeting

Videoconference

2:00 pm to 4:00 pm (EDT)

#### Present:

Alan. C. Jackson (Manitoba), Chair  
 Michael Bonert (McMaster)  
 Dale Engen (Queen's)  
 Lesley Fellows (McGill)  
 Bertha Garcia (Western Ontario)  
 Sahar Iqbal (Memorial)  
 Jay Kalra (Saskatchewan)  
 Nancy Olivieri (Toronto)  
 Maurianne Reade (NOSM)  
 Elizabeth Taylor (Alberta)  
 Charles Webb (British Columbia)  
 Brenda Austin-Smith, CAUT President  
 David Robinson, Executive Director  
 Margaret McGovern-Poté, Executive Assistant to the Executive Director

#### Regrets

Philippe De Wals (Laval)  
 John Dornan (New Brunswick)  
 Doug Myhre (Calgary)  
 Smita Pakhalé (Ottawa)  
 Jean-Luc Sénécal (Montréal)

#### Opening Remarks and Territorial Acknowledgement

*B. Austin-Smith welcomed members and advised that although this meeting is virtual, we all do our academic work on specific Indigenous, First nations, and Métis territories. Some of these territories are governed by treaties, but some are still unceded. She asked members to reflect on the conditions under which we occupy these spaces, today and always.*

**01. Adoption of Agenda**

**OLIVIERI/KALRA: THAT** the agenda be approved, as circulated.

**CARRIED**

**02. Approval of Minutes**

a. Meeting of August 26, 2019

**TAYLOR/IQBAL: THAT** the minutes of the Clinical Faculty Committee meeting of August 26, 2019 be approved, as circulated.

**CARRIED**

**03. Business Arising**

There was no business to address.

**04. Executive Director's Report on Academic Freedom**

The Executive Director provided the Committee with a report on CAUT's current academic freedom investigations and cases.

**05. Issues**

a. Academic Freedom in Medicine

Charles Webb, Chair of the Clinical Faculty Committee's Sub-committee on Academic Freedom for Clinical Faculty, reported on the work of the Committee. He thanked Michael Bonert (McMaster University) for his contribution to the Committee's work.

He noted the sub-committee has been developing terms of reference for their mandate. They have been discussing ongoing concerns that clinical faculty should be protected against allegations of misconduct. It was noted that clinical faculty need to be able to speak in the public interest. One option to consider is developing a legal support fund to defend clinical academic staff against frivolous allegations.

**GARCIA/TAYLOR: THAT** CAUT develop a policy on whistleblowing protections for clinical academic staff.

**CARRIED UNANIMOUSLY**

It was recommended that the sub-committee address the issue of bullying of clinical academic staff across Canada. It was recommended that CAUT raise the matter with the Canadian Medical Association Foundation and explore the possibility of working together to find solutions. The Executive Director suggested that CAUT legal staff be consulted on the issue of whistleblowing and academic freedom.

**06. Roundtable: Reports from Members on Issues at their Institutions**

- Charles Webb provided a status report for clinical faculty at the University of British Columbia. There was nothing new to report.
- Elizabeth Taylor provided a status report for clinical faculty at the University of Alberta. She reported serious concerns to cuts to faculty and they are closely monitoring this very fluid situation.
- Jay Kalra provided a status report for clinical faculty at the University of Saskatchewan, noting that virtual learning is going ahead.
- Alan Jackson provided a status update for clinical faculty at the University of Manitoba. There was nothing new to report.

- Bertha Garcia provided a status report for clinical faculty at the University of Western Ontario. There was nothing new to report.
- Michael Bonert provided a status report for clinical faculty at McMaster University.
- Nancy Olivieri provide a status report for clinical faculty at the University of Toronto's University Health Network (UHN).
- Dale Engen provided a status report for clinical faculty at Queen's University. There was nothing new to report.
- Maurianne Reade provided a status report for clinical faculty at the Northern Ontario School of Medicine (NOSM). She reported that NOSM's focus in the past months has been in pandemic planning.
- Lesley Fellows provided a status report for clinical faculty at McGill University, noting they are working on improving faculty hiring processes.
- Sahar Iqbal provided a status report for clinical faculty at Memorial University, noting they are currently going through a financial crisis.

**07. Other Business**

**08. Adjournment**

**IQBAL/OLIVIERI: THAT** there being no further business the meeting be adjourned.

**CARRIED**

November 2020

## Report to CAUT Council

The *Francophones' Committee* has met three times since the Fall 2019 Council meeting in Ottawa, specifically on December 9 (by telephone call), on March 6 and 7, 2020, and on August 20, 2020 (on Zoom). During this time, the team has functioned with two fewer members, but nevertheless managed to move forward with the files that are under way.

**Preparation for the 4<sup>th</sup> Francophones' Conference**—a general outline of the program was submitted to the Executive Director in December 2019. This outline having been favourably received, a proposal was finalized in March 2020. The events that followed did not, however, allow for presenting it to the CAUT Executive Committee in the spring, as planned. At its meeting in August, the Committee examined the various options that could be considered in light of the pandemic and chose to recommend postponing the Conference to 2022, rather than replacing it with a half-day virtual event.

**Drafting of the two joint policy statements with the CAUT Librarians' and Archivists' Committee** continued. In March 2020, the Francophones' Committee and the Librarians' and Archivists' Committee held a second joint work meeting to finalize the proposals for the *Policy statement on the wage gap between librarians working in French and those working in English within the same post-secondary institution* and the *Policy statement on bibliographic resources and support for programs offered in French*. The next step will be a review of the two texts by the CAUT Executive Committee, which could not take place in the spring as planned, after which the policy statements should be presented to Council.

**The announcement that registrations had been suspended at the University of Alberta's Campus Saint-Jean, Laurentian University and Saint Paul University** took up most of the virtual meeting of last August. One of the top priorities of the Francophones' Committee is to improve the provision of services and resources made available for courses and programs offered in French at francophone, bilingual and anglophone post-secondary institutions in Canada. Hence, a sense of urgency prevailed for all of the members.

A series of short- and medium-term actions were recommended to the Executive Director following this meeting, constituting a strong and concerted response by CAUT, in support of local and provincial associations, as well as other organizations that had already taken a position on this matter. Some of these actions have already occurred, and others are in the process of being carried out:

- CAUT sent letters to the Rectors of the University of Alberta and Laurentian University to denounce the reduction in programs offered in French;
- The Association also wrote to Minister Guilbeault (Canadian Heritage) and Minister Joly (Economic Development and Official Languages) to speak out against the situation and request a meeting;
- The suggestion to organize a webinar on the matter was welcomed, and CAUT plans to host an online forum and to invite colleagues from Laurentian University and Campus Saint-Jean, in order to discuss the situation, as well as the campaigns and steps that they have put in place in an attempt to reverse the situation.

**Acknowledgements:**

As Chair of the *CAUT Francophones' Committee*, I would like to thank the members of the Committee for their commitment throughout 2019–2020 and since then:

- George Akhras (Canadian Military Colleges Faculty Association) (2019–2020)
- Jacob Atangana-Abé (Association des professeurs de l'Université de Saint-Boniface)
- Amélie Hien (Laurentian University Faculty Association)
- Kamel Khiari (Association des professeurs, professeures et bibliothécaires de l'Université Sainte-Anne)
- Marc Lamoureux (Saint Mary's University Faculty Union)
- Carlo Lavoie (University of Prince Edward Island Faculty Association)
- Nathalie Pender (Memorial University of Newfoundland Faculty Association)
- Lynnda Proulx (La Cité collégiale / Ontario Public Service Employees Union)
- Valérie Dufour and Rosa Labocetta (Professional Officers for the Francophones' Committee)
- Yalla Sangaré (CAUT Treasurer), for his participation in the meeting of August 20, 2020

Report presented by  
**Serge Jolicoeur, Chair**



Canadian Association of University Teachers  
Association canadienne des professeurs et professeurs d'université



November 2020

## Report of ad hoc Working Group on Governance

Since we last reported to Council, the Ad Hoc Working Group on Governance drafted a Policy Statement on Academic Administrative Search Procedures (presented at today's meeting). We developed and then updated an entry for CAUT's Questions and Answers on COVID-19 and the Academic Workplace, on securing shared governance in the context of institutional responses to the pandemic:

<https://www.caut.ca/content/covid-19-and-academic-workplace-questions-answers#14>

Working Group members have delivered numerous panel presentations and information sessions on governance issues, developing handouts to accompany these, and have provided advice and resources to member associations that have approached us for help with governance challenges. The Working Group co-Chairs had a very positive meeting with the Ontario Confederation of University Faculty Associations (OCUFA) Governance Committee, with the outcome being an agreement, supported by the CAUT Executive, to maintain communication and explore avenues for complementary work. The Working Group is interested in exploring similar possibilities with other provincial and regional associations.

The Working Group was reconstituted by the Executive for 2020/2021, with all members agreeing to serve another term. In the coming year, the group's central focus will be on developing usable resources, such as a toolkit, for member associations.

### Members:

Marc Schroeder (co-Chair), Representative-at-Large (General)  
Robin Whitaker (co-Chair), Representative-at-Large (General)  
Peter McInnis, Vice-President  
Yalla Sangaré, Treasurer  
Sue Blair, Chair Collective Bargaining and Economic Benefits Committee  
Alison Hearn, Chair Academic Freedom and Tenure Committee

# Memorandum

## Defence Fund Report

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**DATE:** October 20, 2020

**TO:** CAUT Council

**FROM:** Ted Binnema, Defence Fund President

**RE:** Update on the CAUT Defence Fund

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It is essential that every one of you pay close attention to matters related to the Defence Fund this coming year, because a major decision – requiring almost complete consensus among all members of the Fund and of the CAUT – must be made in the near future. For that reason, it is essential that all of you read very carefully the ten-page report by David Robinson included in your package.

The process that led to the CAUT Council's decision last November to instruct David Robinson to undertake his investigation began with events that had occurred previously at the Fall Annual Meeting of the CAUT DF. The details of the misunderstandings are not of great significance to you now (although you should know that they have made some trustees of the DF suspicious of the CAUT), but the results of the investigation are very significant for the Defence Fund. That is why I am urging you to read the report very carefully before the CAUT Council meeting and be sure to be ready with questions regarding anything you may not understand.

**After you read the Robinson Report, you should conclude that the structure of the CAUT Defence Fund must change.**

In my opinion, it will be unrealistic for the required restructuring to occur in only one phase. While some of the minor changes listed under Option 1 might be implemented as a short-term measure, I hope that there is complete consensus (and there must be complete consensus) that more fundamental change is required. However, there are, in my opinion, no further options without achieving the changes in Option 2 as soon as possible, before further changes can be considered. That is because it is unrealistic to assume that 100% consensus can be achieved on any option other than Option 2, and that Option 2 gives us the opportunity to make further required changes with only a 2/3 majority vote.

The consideration of any motion will probably require a special meeting of the member associations of the CAUT DF, but I urge every member association of the CAUT DF to be prepared to support Option 2 as soon as the paperwork can be prepared. Given the necessity of reaching consensus, should the leadership of any member association harbour any uncertainty about whether Option 2 should be approved, I urge them to contact me as soon as possible.

The pandemic has raised questions about what a faculty strike might look like in COVID-times. Fortunately, at the time of writing, none of our member associations has yet to put up pickets since March 2019, although a number have come close enough that they have had to begin pondering



and planning for the exigency. Unfortunately, a few employers have seized upon the emergency, and are demanding some significant concessions from faculty. As of now, however, faculty unions have successfully fought off the demands without having to resort to job action. Please stay alert to news from member associations in case circumstances call for you to express your support for your colleagues.

The CAUT DF now has 63 member associations. The balance of the Defence Fund has grown to over \$35 million.

This year's CAUT DF AM was held by videoconference on 17 and 24 October 2020. At those meetings, I was acclaimed as President of the CAUT Defence Fund for the next two years. I hope that, during those two years, the DF can accomplish much towards putting its governance structures in a better position.

In solidarity,

Ted Binnema  
President, CAUT Defence Fund

## 2020-2021 J.H. Stewart Reid Memorial Fellowship



Fiorella Rabuffetti is a PhD candidate at the School of Political Studies of the University of Ottawa. She earned her BA from the Universidad de la República (Uruguay), and her MA from the University of Alberta.

Her doctoral dissertation seeks to better understand statelessness, legally defined as the condition of not being recognized as a national by any country. It approaches statelessness as a form of dispossession by which states actively undermine stateless people's ability to settle anywhere. Looking at three cases of statelessness –the Erased of Slovenia, the Dominicans of Haitian descent in Dominican Republic, and the Bedoons of Kuwait—her thesis questions the reduction of statelessness to a lack of legal status, arguing that it leaves unaddressed the politico-

economic mechanisms underlying the reproduction of statelessness. Among those mechanisms, she is particularly interested in how stateless people's constraints to entering into contracts (e.g., of employment, ownership of land and goods, marriage) contribute to them remaining stateless.

She has a long-standing passion for creative writing and theatre, and is the author of two award-winning plays, which were staged in Uruguay. This passion carries on through her interest in the possibilities opened by artistic expression for research and teaching in the social sciences.

Her research has been funded by the Ontario Trillium Scholarship, the Ontario Graduate Scholarship, and the P.E.O. International Scholar Award.



17. (d)

(2020-11)



## Minutes of the Teleconference Meeting of the CLC Canadian Council October 6, 2020

The meeting was called to order at 1:02 p.m. by Brother Hassan Yussuff, President of the CLC. The following were in attendance:

**President:**

Hassan Yussuff CLC

Suzanne MacNeil

Atlantic Region  
Labour Councils  
Ontario Region  
Labour Councils

**Secretary-Treasurer:**

Marie Clarke Walker CLC

Anthony Marco

**Executive Vice-Presidents:**

Donald Lafleur CLC

Brenda McAuley

CPAA

Larry Rousseau CLC

Gil McGowan

AFL

Paul Meinema

UFCW

Teri Mooring

BCTF

Kenneth G. Neumann

USW

Captain Tim Perry

ALPA

Stan Pickthall

IAMAW

Danielle Pohl

Pacific Region  
Labour Councils

**Vice-Presidents:**

Chris Aylward PSAC

Carl Pursey

PEIFL

Harvey Bischof OSSTF

Lionel Railton

IUOE

David Black COPE

Kevin Rebeck

MFL

David Bob NTFL

Thomas Reid

IBEW

Daniel Boyer FTQ

Candace Rennick

CUPE

Larry Brown NUPGE

Dany Richard

ACFO

Anita Bryan USW

Ian Robb

UNITE HERE!

Danny Cavanagh NSFL

Ron Rousseau

YFL

Bill Chedore CURC

Mary Shortall

NLFL

Patty Coates OFL

Linda Silas

CFNU

Anouk Collet UFCW

Jan Simpson

CUPW

Laird Cronk BCTF

Stephanie Smith

NUPGE

Debi Daviau PIPSC

Ainsworth Spence

Workers of Colour

Sharon DeSousa PSAC

Liz Stuart

OECTA

John Di Nino ATU

Scott Travers

IFPTE

Danielle Dubuc Workers of Colour

Terri Van Steinburg

NUCAUT

Paul Faulkner IAHFIW

Ann Waller

LIUNA

Dave Forget DGC

Alan Willaert

AFM/CFM

James Given SIU

Pauline Worsfold

CFNU

Sam Hammond ETFO

Mark Hancock CUPE

Lori Johb SFL

Fred LeBlanc IAFF

Daniel Légère NBFL

John Lewis IATSE

**TOTAL: 58**

**Observers:** Eric Bell (SFL), Mike Belmore (IFPTE), Len Bush (NUPGE), Rob Halpin (OFL), Mark Hennessy (UFCW), Louisette Hinton (CURC), Michelle Johnston (IFPTE), Danielle Marchand (NUPGE), Scott Marks (IAFF), David Robinson (NUCAUT), Mark Rowlinson (USW), Julee Sanderson (CUPW), Steven Schumann (IUOE), Sussanne Skidmore (BCFL), Emily Watkins (PIPSC), Matt Wayland (IBEW), and Liana White (AFM/CFM).

**Staff:** Lisa Bastien, Susan Bellamy, Darla Deguire, Joel Duff, Amira Elghawaby, Brent Farrington, Jane-Ann Graham, Orion Irvine, Lori McCarthy, Jasen Murphy, Susan Nosov, James Pratt, Chris Roberts, Vicky Smallman, Jennifer Tingley, and Natalie McNabb acted as secretary.

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Brother Yussuff welcomed everyone to the Canadian Council meeting and gave regrets on behalf of Robert Ashton (ILWU), Eric Boisjoly (FTQ-Construction), Kevin Bryenton (IABSORIW), Jody Dukart (UMW), Robert Giguere (ACPA), Robert Kucheran (IUPAT), George MacPherson (SGWBC), Joseph Mancinelli (LiUNA), Patrick Murphy (ILA), Sylvie Nelson (SEIU), Martin O'Hanlon (CWA Canada), Casey Oraa (LGBTQ2SI Workers), Ron Piercey (BCTGM), Bill Pollock (UAW), Terry Snooks (United Association), David Sparrow (ACTRA), Arnie Stadnick (IBB), and Sharleen Stewart (SEIU).

### **Swearing In of New Members**

The Oath of Office was administered to the following members:

- **James Given**, Seafarers' International Union of Canada
- **Captain Tim Perry**, Air Line Pilots Association, International – Canada Board Office

### **CLC Code of Conduct**

Brother Yussuff referred to the CLC Code of Conduct linked in the meeting agenda, reminding Council members to abide by the Code by keeping the meeting space respectful during debates and discussions.

### **Adoption of Canadian Council Agenda**

*M/S/C to adopt the agenda.*

### **Minutes of Previous Meeting**

*M/S/C to adopt the minutes of the January 27, March 16, April 7, and May 8, 2020, meetings.*

### **President's Address**

Brother Yussuff spoke of how the pandemic has changed the lives of Canadians and has forced the labour movement to shift its external and internal priorities. He provided an overview of the CLC's response to the crisis, including pressing for enhanced public services, extraordinary economic support for impacted families, and health and safety

protections for frontline workers. Throughout the labour movement, conventions, events and schools were suspended, while tactics were quickly shifted to online platforms. The CLC’s robust digital campaign strategy and online educational platforms were already in place and were able to be rapidly retooled and deployed to meet the challenges of pandemic organizing.

### **Pharmacare**

Brother Yussuff said that the need for pharmacare has become more important than ever since the pandemic has increased layoffs, which, in turn, has increased the number of Canadians dealing with inadequate or no prescription drug coverage. He informed the Council that the CLC has strengthened its efforts to fast-track the implementation of a national pharmacare program by mobilizing activists to send messages to members of parliament and by merging the “Pharmacare: A Plan for Everyone” campaign with the “Forward Together: A Canadian Plan” campaign.

### **Throne Speech**

Brother Yussuff reported that the Throne Speech presented on September 23, which recognized the hardships of working people throughout the pandemic and recession, and focused on low-income workers, women, youth and workers of colour. Most notably, it highlighted the need for good job opportunities, investments in income supports and social programs, reversing inequality, as well as action on the climate crisis. He emphasized that it represented a victory for the labour movement as it rejected retrenchment and a return to fiscal austerity. He informed the Council that this will be discussed in more detail later in the meeting.

### **Court Challenges**

Brother Yussuff reported on a few of the recent court challenges and indicated that the full report will be presented later on in the meeting.

- **Cambie Case in British Columbia**

Brother Yussuff explained that the Cambie Surgeries Centre case threatened the principle of universal and equal access to health care and that on September 10, the British Columbia Supreme Court upheld the integrity of the country’s single-payer health care system. He said that Court’s decision to reject the arguments made by Dr. Brian Day is significant for this country and that we owe a great debt to the British Columbia Health Coalition as well as Canadian Doctors for Medicare. He emphasized that all levels of government need to commit to properly funding the public system.

- ***Restoring Balance in Alberta’s Workplaces Act, 2020 (Bill 32)***

Brother Yussuff said that Bill 32, which amends the *Alberta Labour Relations Code* and *Employment Standards Code* as well as other statutes, was introduced on July 7, 2020, and received Royal Assent on July 29, 2020. He said the Act aims to restrict and diminish the rights of workers and unions while expanding the rights of employers, and intrudes on the internal governance and decision-

making of trade unions, interferes with a worker's right to choose which trade union should represent them, and introduces severe restrictions on picketing. Brother Yussuff said that Brother Gil McGowan, President of the Alberta Federation of Labour, will provide an update on this topic later in this meeting.

- **Greenhouse Gas Pollution Pricing Act**

Brother Yussuff reported that on September 22 and 23, 2020, the Supreme Court heard a constitutional challenge to the federal government's *Greenhouse Gas Pollution Pricing Act*. He said that the CLC is an intervenor in the Supreme Court appeal, and that the CLC's legal counsel provided oral arguments in the hearing.

### **Upcoming Provincial and Municipal Elections**

Brother Yussuff informed the Council that many elections are forthcoming in Canada: provincial elections in British Columbia on October 24 and in Saskatchewan on October 26; and, municipal elections in Nova Scotia on October 17 and in Saskatchewan on November 9. He stressed the need for online organizing to support the progressive candidates and said the CLC is working with the labour councils in both provinces with upcoming provincial elections to roll out a campaign. He encouraged all Council members to engage their members to support the NDP in British Columbia and Saskatchewan in order to get elected.

### **Anti-Black Racism**

Brother Yussuff spoke of CLC's commitment to combating anti-Black racism and advocating for accountability and systemic police change. He said the CLC has engaged its members through Webinars and statements, and that it has pressed governments for action. He reported that the CLC and the federal anti-racism secretariat are coordinating an upcoming town hall on Racism, Recovery and COVID-19. He said that a draft statement on this topic will be presented for adoption later in this meeting.

### **CLC COVID-19 Response**

Brother Yussuff informed the Council that within days of the pandemic being declared the CLC created a COVID-19 Resource Centre on its website to provide vital information to workers and affiliates. He said that over the summer, the CLC launched a "Heroes Deserve Better" campaign to gather stories from frontline workers in order to help amplify the call for paid sick leave, better wages, and workplace protections.

Brother Yussuff said the CLC played a vital role in many significant victories for working Canadians, such as the Canada Emergency Response Benefit, the Canada Emergency Wage Subsidy, enhanced access to EI benefits, the Canada Recovery Benefit, the Canada Recovery Sickness Benefit, the Canada Recovery Caregiving Benefit, the Canada Emergency Student Benefit, the Safe Restart Agreement, and financial support for municipal governments. He spoke of the CLC's interest rate campaign aimed at convincing Canada's big banks and credit unions to cut credit card interest rates and permit mortgage and loan payment deferrals and the CLC's campaign to reverse the Canadian Pharmacists Association's decision to charge extra dispensing fees for prescriptions.

Brother Yussuff spoke of the impact of the pandemic across marginalized communities, with a distinctly gendered impact on job loss and caregiving, as well as a magnified impact on precarious and marginalized communities. He said the CLC has been taking this into account for advocacy work, which has accomplished a lot with affiliate support.

Members of the Canadian Council discussed the great work done by the CLC to support affiliates and by lobbying the government. A discussion ensued regarding the impact of the pandemic on affiliates, especially on sectors whose members were laid off and regarding the right to recall within those industries.

Brother Ian Robb (UNITE HERE!) requested that the CLC push the government to allocate funds to the hospitality sector, which has been hit very hard during the pandemic, in order to support the workers who have been laid off.

### **Forward Together Campaign**

Brother Yussuff reported that the CLC's campaign for a just and fair economic recovery "Forward Together: A Canadian Plan" launched on Labour Day. He said opinion research and message testing was conducted over the summer in order to develop the campaign framework and more information can be found on the campaign's website "CanadianPlan.ca." He thanked the CLC staff for their hard work on this campaign.

Brother Yussuff invited Brother James Pratt, Political Assistant to the President, to provide an overview of the campaign.

Brother Pratt spoke of the Congress' campaign for nationalizing long-term care, enhancing Employment Insurance, and investing in an economic recovery plan that supports workers and their families. He said the campaign focused on "three elements" which are job creation, health care, and disaster proofing our social safety net. He reported that the campaign launch achieved an incredible reach with the videos gaining over one million views. He informed the Council of an upcoming digital lobby week and a national day of action in November. Brother Pratt presented the campaign videos to the Canadian Council.

### **Throne Speech 2020**

Brother Yussuff reviewed highlights from the Throne Speech, including long-term care, additional support for personal support workers, stronger language on pharmacare, new investments in EI and Gig Economy workers, job creation through infrastructure investment, enhanced income supports and social programs, addressing the unequal impact of the pandemic on women, as well as racialized and marginalized communities, and action on the climate crisis. He said that most of these items were among the CLC's Fall legislative priorities, in addition to child care, workers' compensation, infrastructure investments, green economy investments, federal employment standards, and tax fairness. He asked the Council to support these priorities.

Brother Yussuff explained that the Throne Speech touched on all major issues brought up by the labour movement, but that there still needs to be a push to ensure the

government has the funds to allocate to these priorities. He also informed the Council that there is an upcoming meeting between the Prime Minister and provincial premiers to discuss health care funding, set to take place in November.

Brother Yussuff referred members of the Canadian Council to the CLC's 2020 Throne Speech Analysis included in the meeting documents for more information.

Brother Anthony Marco (Ontario Region Labour Councils) reported on the work of labour councils in promoting the CLC economic recovery campaign on Labour Day.

Sister Linda Silas (CFNU) urged affiliates to put pressure on the Prime Minister and premiers to allocate new funds to the health care sector with strings attached, in order to ensure safety for frontline health care workers, while also maintaining accountability.

Sister Jan Simpson (CUPW) emphasized the gendered impact of the pandemic and the need for pay equity.

Brother Mark Hancock (CUPE) called on affiliates to work collectively to influence the outcome of provincial elections in British Columbia and Saskatchewan.

Sister Liz Stuart (OECTA) called on affiliates to press provincial governments for proper funding and accountability within the education sector.

### **Interprovincial Trade**

Brother Yussuff spoke of interprovincial trade, which was mentioned in the Throne Speech, and informed the Council that the CLC prepared a statement on this topic, which is included in the meeting documents. He stressed the importance of the labour movement having a seat at the decision table on this topic.

Brother Yussuff called for a motion to adopt the statement on Interprovincial Trade Barriers and Internal Free Trade in Canada, recognizing that it can be revised and revisited in the future.

***M/S/C to adopt the statement on “Interprovincial Trade Barriers and Internal Free Trade in Canada.”***

### **Recess**

The meeting recessed at 2:20 p.m. and reconvened at 2:32 p.m.

### **Alberta Attack on Workers' Rights**

Brother Yussuff spoke of the attack on workers' rights in Alberta and that this is causing a great deal of challenges for the labour movement. He said that the Alberta Federation of Labour (AFL) has been leading the fight in Alberta and invited Brother McGowan to provide an update on this situation.



Brother McGowan reviewed the most alarming aspects of the Alberta government's attack on organized labour through Bill 32, which passed in July. He said that this law represents the first introduction of right-to-work in Canada and allows for a certain portion of union dues to be optional. He explained that the bill has an impact on the *Employment Standards Code*, eliminating overtime and rolling back other hard-fought rights of workers. The bill also impacts the *Alberta Labour Relations Code*, forcing unions to report their finances in one of two categories: union core spending or political action. All of this is designed to reduce or eliminate the ability of labour unions and labour centrals from organizing public campaigns of any kind. The bill also rolls back core union rights, including picketing. He said that the Boilermakers are currently locked out, and that their employer has made it very clear that they will use Bill 32 to weaken the picket line.

Brother McGowan provided an overview of the AFL's response so far and said that a coalition has been created, made up of a total of 20 CLC-affiliated and non-affiliated unions. The coalition has raised close to \$300,000 to fund this effort, and a partnership agreement has been drafted to lay out the terms of support for legal action. He reported that the AFL is working with affiliates and partners in civil society to launch a new online campaign called "Stand Up to Kenney" to mobilize Albertans.

Brother McGowan made an appeal for funding to the Council and asked that Council members encourage their Alberta locals to join the coalition. He said that in order to take part in the coalition, there is a per capita-like payment of \$5 per member.

Brother Yussuff assured Brother McGowan that the AFL has the CLC's support and opened the floor for comments.

The Canadian Council discussed the challenges facing the labour movement and that resources need to be sent to the AFL.

#### Draft Statement on Racism and Police Violence

Brother Yussuff presented a draft statement on Racism and Police Violence for consideration by the Canadian Council, which was recommended by the Executive Committee. He opened the floor for comments.

Brother Larry Brown (NUPGE) spoke in favour of the statement but expressed concern about the use of the "defund the police" language, arguing that the demand should instead be framed around the reallocation of funds.

Sister Simpson applauded the statement and urged affiliates to honour those who have died by actively and vocally supporting the movement against racism and police violence.

Sister Marie Clarke Walker (Secretary-Treasurer) spoke in support of the statement and called on affiliates to publicly join the campaign against racism and police violence.

Sister Danielle Dubuc (Workers of Colour) spoke in support of the statement and thanked the Congress for drafting it. She applauded the CLC for showing leadership on this issue. She argued in favour of retaining the explicit demand to “defund the police” because of its importance to the movement and urged affiliates to help define that demand through the public advocacy.

Brother Hancock strongly supported the campaign and called on all affiliates to make public their support.

Sister Sharon DeSousa (PSAC) informed the Canadian Council that the PSAC will be abstaining from the vote to adopt this statement.

Brother Larry Rousseau (Executive Vice-President) spoke in support of the statement, and thanked Brother Yussuff, Sister Clarke Walker, and the CLC staff for their leadership and hard work on this issue.

***M/S/C to adopt the Statement on Racism and Police Violence.***

**Anti-Racism Secretariat Town Hall**

Brother Yussuff called on Sister Amira Elghawaby, his new Political Assistant, to provide an update on a town hall with the anti-racism secretariat and informed the Council that invitations have already been sent out. He thanked Brother Larry Rousseau for his work on this.

Sister Elghawaby informed the Council that there is a town hall on racism on October 8, which will provide a platform to discuss the effects of the pandemic on racialized and Indigenous workers. She asked the Council to encourage their members to register for this town hall.

**Survey on Workplace Sexual Harassment**

Brother Yussuff spoke of the CLC Survey on Workplace Sexual Harassment, which has been created in coordination with partners at Western University and the University of Toronto. He called on Sister Elghawaby to provide an overview of the survey.

Sister Elghawaby informed the Council that the survey will be a tool to inform policy on workplace sexual harassment and will provide guidance to employers on workplace remedies. She said this is the first survey of its kind in Canada and it will be launched the third week of October and open for six months.

Sister Clarke Walker added that all affiliates should inform their members of the importance of this survey and that participation should be strongly encouraged. She thanked CLC staff for their hard work, with a special mention to Sister Tara Paterson, National Representative in the Women’s Department, and added that the previous survey on Domestic Violence was very successful and that this new survey may be even more powerful. She said that everyone’s help is needed for the promotion of this survey.

Sister Stephanie Smith (NUPGE) thanked the CLC for the hard work on this survey.

#### Financial Report / Audit, Fiscal 2019

Brother Yussuff invited Sister Clarke Walker to present the CLC's 2019 Financial Report and Audit.

Sister Clarke Walker provided an overview of the financial report and audit, highlighting the statement of revenues and expenses, which showed a surplus and explained that the surplus should be double the amount shown, but those funds were reallocated to the pension plan, as was agreed to in the last round of bargaining. She pointed out that the statement of financial position showed a surplus as well, which helped to prevent staff layoffs throughout the pandemic. She reported that the Labour College of Canada still owes the CLC for a past operating deficit and that they will be repaying that amount once assessed at the end of the year. She invited Council members to send any questions by email.

Brother Yussuff called for a motion to adopt the Financial Report and Audit, Fiscal 2019.

***M/S/C to adopt the Financial Report and Audit, Fiscal 2019.***

#### Internal Financial Report 2020 Q2

Brother Yussuff invited Sister Clarke Walker to present the CLC's 2020 Q2 Internal Financial Report.

Sister Clarke Walker provided an overview of the report and explained that this is an internal document. She highlighted the per capita receivables as being high but are expected to be lower going forward, as this was recorded at the end of the first quarter. She highlighted the higher than budgeted revenues and explained the savings on staff salaries by not posting vacant jobs and that initiatives have been put on hold during the pandemic. She added that the Pension Advisory Committee has been asked to provide feedback on this report.

She thanked the Accounting Department and Brother Jasen Murphy, Assistant to the President and Secretary-Treasurer, for their hard work.

Brother Yussuff called for a motion to adopt the Internal Financial Report 2020 Q2.

***M/S/C to adopt the Internal Financial Report 2020 Q2.***

#### Update: Convention 2021

Brother Yussuff said that it is highly unlikely that hosting an in-person convention by June 2021 will be possible. He said that CLC staff have been compiling information on best practices for a virtual convention as well as reviewing the CLC Constitution to ensure compliance with current requirements for various aspects. He said that once a plan is drafted, it will be shared with the Canadian Council at a special meeting in order to pass a motion to allow a virtual convention.

Brother Yussuff asked Council members to inform the CLC of any upcoming affiliate virtual conventions, so that a CLC staff member can attend and observe.

#### Legal Challenges Coordinating Committee Report

Brother Yussuff informed the Council to refer to the report linked in the agenda for more information. He invited Brother Larry Brown, Co-Chair of the Legal Challenges Coordinating Committee, to present the report.

Brother Brown reviewed the highlights of the report.

Brother Yussuff thanked Brother Brown and Brother Chris Roberts, Social and Economic Policy, for their hard work.

#### CLC Departmental Reports

Brother Yussuff referred members of the Canadian Council to the report linked in the agenda for more information.

#### Labour College of Canada Annual General Meeting

Brother Yussuff reminded the Council that the Labour College of Canada's Annual General Meeting (LCC AGM) takes place once a year, usually during the spring as part of the Canadian Council meeting, which was cancelled due to the pandemic. He also reminded everyone that all members of the Canadian Council are also members of the Labour College and are entitled to vote. Brother Yussuff referred Council members to their agenda for more information and invited CLC Executive Vice-President Larry Rousseau to chair the LCC AGM.

Brother Yussuff called for a motion to recess the Canadian Council meeting in order to convene the LCC AGM.

***M/S/C to recess the Canadian Council meeting at 4:07 p.m. for the LCC AGM.***

Brother Yussuff called the Canadian Council meeting back to order at 4:18 p.m.

#### Other Business

Brother Yussuff informed the Council of the passing of Brother James Jackson (SMART), who had been struggling with health issues. He said that a Celebration of Life will take place at a later date and that donations can be made to the Hospital for Sick Kids in memory of Brother Jackson in lieu of flowers.

Brother Yussuff spoke of the need for Food Bank contributions during the Thanksgiving season. He thanked Brother Ken Neumann (USW) for his past contributions to the Food Bank and asked that Council members donate since donations have decreased significantly during the pandemic.

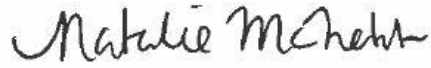
Brother Yussuff reminded Council members to provide their support to the NDP in British Columbia and in Saskatchewan for the upcoming elections.

**Adjournment**

*M/S/C to adjourn the meeting.*

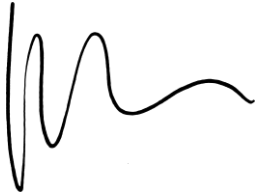
The meeting adjourned at 4:22 p.m.

Respectfully submitted by:



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Natalie McNabb  
Secretary



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Hassan Yussuff  
President



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Marie Clarke Walker  
Secretary-Treasurer



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Donald Lafleur  
Executive Vice-President

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Larry Rousseau  
Executive Vice-President

nm:cope225  
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# Minutes

## 252nd Executive Committee Meeting

### September 13-14, 2019

#### 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)  
 Serge Jolicoeur, Representative-at-large (Francophone) (ABPPUM)  
 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)  
 Sarika Bose, Chair, Contract Academic Staff Committee (UBCFA)  
 Tim Ribaric, Chair, Librarians' and Archivists' Committee (BUFA)  
 Pat Armstrong, Co-Chair, Equity Committee (YUFA)  
 Momin Rahman, Co-Chair, Equity Committee (TUFA)

David Robinson, Executive Director  
 Pam Foster, Director, Research & Political Action  
 Valérie Dufour, Director, Communications  
 Margaret McGovern-Poté, Executive Assistant to the Executive Director

#### Regrets

Sue Blair, Chair, Collective Bargaining and Economic Benefits Committee (AUNBT)

#### 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

**COMPTON/ARMSTRONG:** THAT the agenda be approved.

**CARRIED**

## 02. Approval of Minutes

- a. Executive Committee Meeting of June 13-15, 2019

**COMPTON/SANGARÉ:** THAT the minutes of the Executive Committee meeting of June 13-15, 2019 be approved.

**CARRIED**

## 03. Business Arising

- b. 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 June 13-15. She attended, along with CAUT Past President J. Compton, the Executive Director, and CAUT Director of Research & Political Action P. Foster, the 8<sup>th</sup> Education International World Congress, held July 19-26, in Bangkok, Thailand. She noted that CAUT put forward a resolution on academic freedom in partnership with the University Teachers Association of Ghana (UTAG) which was adopted at the meeting. She also attended the CAUT Committee meetings, August 22-26, in Ottawa.

## 05. Report of the Executive Director

The Executive Director advised that the issues he wants to address would be covered in the meeting agenda. He noted that this has been a very busy fall. CAUT staff have been working on the launching of the Federal election campaign and toolkit; the Fair Employment Week campaign; and the organization of the Librarians' and Archivists' Conference scheduled for October. He noted that several new academic freedom cases have emerged which will be covered under the academic freedom report.

## 06. Political Action and Campaigns

P. Foster, Director of Research and Political Action, reported on government and stakeholder relations since the last meeting of the Executive Committee. These included: candidate outreach in Calgary, Ottawa, Winnipeg and Halifax by member associations; meetings with the Department of Innovation, Science and Economic Development (ISED) and Heritage re copyright files; follow-up with ISED on the survey for researchers; and a meeting with the Inuit Tapiriit Kanatami, the representative organization for the Canadian Inuit.

- a. Government Relations

- i. Pre-budget consultations

P. Foster, Director of Research and Political Action, reported that CAUT prepared a submission to the pre-budget consultations in advance of the 2020 Budget. CAUT



is asking for a national strategy on post-secondary education, greater investment in basic research; an expansion of the Canada Student Grants Program; recognition of the Treaty rights of Indigenous peoples to education with increased federal support for Indigenous students; and improved access to government data. A copy of CAUT's submission and the CAUT Election Toolkit were included in the meeting materials.

b. Campaigns

i. Federal Election

P. Foster, Director of Research and Political Action, reported on polling projections for the upcoming election in October that show the Conservatives and the Liberals in a tight race. Some of the issues that CAUT has been highlighting in its election campaign include research funding, casualization, equity issues, affordability, and getting out the vote. She reported that as part of its election strategy, CAUT has been running a digital ad campaign and has developed an online survey tool on the website. CAUT will continue to reach out to interested associations to support member associations to engage in the campaign.

ii. Fair Employment Week

P. Foster, Director of Research and Political Action, reported that Fair Employment Week will take place this year October 7-11 during the federal election. CAUT has prepared some new materials for this year's campaign including posters, PowerPoint presentations, post cards, etc.

iii. Governance

P. Foster, Director of Research and Political Action, reported that CAUT conducted a survey for members associations to identify and share promising efforts to strengthen collegial governance. Thirty-one associations participated in the survey.

iv. Copyright

P. Foster, Director of Research and Political Action, reported that CAUT has met with other PSE stakeholders to monitor reactions to the two Parliamentary reports as well as follow-up with the two departments to monitor the government response. There appears to be an opportunity to move on Crown copyright.

c. Equity

i. CRC settlement

P. Foster reported that CAUT was pleased with the settlement reached. Highlights include targets based on representation by population, the inclusion of LGBTQ for the first time and enhanced accountability measures. A copy of the settlement agreement was included in the meeting materials.

ii. National Framework on Gender-Based Violence at Post-Secondary Institutions

Brenda Austin-Smith, President, reported on her experience as a member of the Advisory Committee for the Framework. The Framework report was released by Women and Gender Equality Canada the Friday before the long weekend in August and is called *Courage to Act: Developing a National Draft Framework to*

*Address and Prevent Gender-Based Violence at Post-Secondary Institutions in Canada.* The Framework reflects the input from labour-side Advisory Committee members in some areas, namely the recognition and importance of collective agreements, but not in others. For example, it has a wide definition of gender-based violence. How the Framework will relate to provincial and institutional policies is unclear. Also unclear is whether any federal funding will be conditional to the adoption of the Framework.

d. Civil Liberties

i. Hassan Diab

The Executive Director reported that the Segal Report looking into the extradition case of Hassan Diab was released in July and concluded that the Department of Justice acted properly in the case. Diab is extremely disappointed in the report claiming that the report is a complete whitewash of his case.

ii. Border Issues

The Executive Director raised the issue of border agents demanding access to electronic devices of travellers. An Inside Higher Ed article, titled *Harvard freshman said he was barred from the country for friends' social media posts*, submitted by Jeremy Bauer-Wolf on August 28, was included in the meeting materials.

iii. CSIS Activities on Campus

The Executive Director highlighted the issue of CSIS agents approaching students on Canadian campuses, and in particular Muslim students. He noted that CAUT has long raised concerns about CSIS activities on campus and highlighted a report of CSIS Intelligence Activities dated 1998-1999 that refers to a 1963 agreement between the Federal Government and the CAUT on the issue of campus investigations. A copy of this Review was included in the meeting materials.

e. International

i. Solidarity Partnerships

A. Palestinian Federation of Unions of University Professors and Employees (PFUPE)

The Executive Director reported that CAUT helped sponsor a national higher education forum in Palestine in April. The forum focused on the challenges facing the higher education sector in Palestine. The Palestinian Federation of Unions of University Professors and Employees (PFUPE) is very grateful for CAUT's support.

B. College and Lecturers Association of Zimbabwe (COLAZ)

The Executive Committee considered a financial request received from the College and Lecturers Association of Zimbabwe (COLAZ) for the 2019 COLAZ Congress.

**COMPTON/SANGARÉ: THAT** CAUT donate \$10,000 to the College and Lecturers

Association of Zimbabwe for the 2019 COLAZ Congress.

**CARRIED**

C. University Teachers Association of Ghana (UTAG)

The Executive Committee considered a financial request received from the University Teachers Association of Ghana (UTAG) for the UTAG Congress 2019.

**SCHROEDER/HEARN: THAT** CAUT donate \$10,000 to the University Teachers Association of Ghana (UTAG) for the UTAG Congress 2019.

**CARRIED**

D. Higher Education Commission, Pakistan

The Executive Director reported that CAUT is continuing to work with the Higher Education Commission of Pakistan on a faculty development program. It is the aim to conduct a first training session in early January.

E. Malaysian Academic Movement (MOVE)

The Executive Director reported he has had preliminary discussions with the Malaysian Academic Movement (MOVE) about the possibility of undertaking solidarity work with them.

ii. Organization for Economic Co-operation and Development

A. Trade Union Advisory Committee on Education and Employment

The Executive Director reported on the upcoming meeting of the Advisory Committee.

B. Informal Working Group on Higher Education

The Executive Director reported that the OECD has invited the Informal Working Group on Higher Education to review the draft of the analytical framework of the Higher Education Resources Project.

iii. UNESCO

The Executive Director reported on the development of the Global Convention on the Recognition of Higher Education Qualifications that will be considered for adoption at the UNESCO General Conference in November.

iv. ILO

A. Committee of Experts on the Application of the Recommendations concerning Teaching Personnel

The Executive Director highlighted the recommendations from the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel. A copy of the 2018 recommendations was included in the meeting materials.

B. Violence and Harassment Convention, 2019

The Executive Director reported that the International Labour Organization (ILO) has adopted a new convention and recommendation to combat violence and harassment in the workplace.

**MCFALLS/RAHMAN: THAT** the Executive Committee recommends that CAUT lobby the Government of Canada to ratify the ILO International Labour Conference Convention 190, the convention concerning the elimination of violence and harassment in the world of work, adopted at the International Labour Conference in June 2019.

**CARRIED**

v. Education International

The Executive Director reported on a joint resolution on academic freedom in higher education brought forward by CAUT and the University Teachers Association of Ghana (UTAG), which was adopted at the 8<sup>th</sup> Education International (EI) World Congress in July 2019. A copy of the resolution was included in the meeting materials.

vi. Appeals and Campaigns

A. Canadian Council for Refugees

The Executive Committee considered a request from the Canadian Council for Refugees for a financial contribution for the "Refugees – Welcome" campaign. The request also asks that organizations support the campaign by signing on to an open letter on the campaign website.

**COMPTON/NEWHOUSE: THAT** CAUT donate \$2,000 to the Canadian Council for Refugees for the "Refugees – Welcome" campaign, and sign on to the open letter on the campaign website.

**CARRIED**

f. Alberta

The Executive Director reported on serious concerns with the recommendations around advanced education in the Report of the Blue Ribbon Panel on Alberta's Finances, released August 2019. An excerpt of the Blue Ribbon Panel Report was included in the meeting materials.

## 07. Committee Reports

a. Standing Committee Reports

i. Academic Freedom & Tenure

A. Hearn, Chair of the Academic Freedom and Tenure Committee, reported on the August Committee meeting. The Committee reviewed the draft Ad Hoc Investigatory Committee Report looking into the Pyne case at Thompson Rivers University; in light of the issues raised in the report, the Committee is considering drafting a bargaining advisory on academic freedom and intramural speech. The Committee discussed the

issue of an increased presence of CSIS on campuses and considered developing a bargaining advisory to provide advice to members. She reported that the Committee is also considering developing an academic freedom workshop for members.

ii. Collective Bargaining & Economic Benefits

As the Chair of the Collective Bargaining & Economic Benefits Committee was not present, the Executive Director reported that the Committee met in August. As part of the meeting, the Committee reviewed its mandate and terms of reference and intends to devote more of its work to the analysis of trends and developing strategies for collective bargaining, rather than drafting model clause language. The Committee discussed the importance of maintaining the train-the-trainer component of the collective bargaining workshop and is looking forward to ongoing involvement in the collective bargaining conference.

iii. Contract Academic Staff

S. Bose, Chair of the Contract Academic Staff Committee, reported on the August Committee meeting. Some of the issues discussed during the meeting that are affecting contract academic staff included: diminished intellectual property rights; the weight of student opinion surveys in the evaluation of teaching performance; the limited access to email and library services between contracts; and the lack of academic freedom for CAS members. She also highlighted the need for the development of guidelines for membership in the faculty association for contract academic staff who are between contracts.

She noted the Committee discussed planning for Fair Employment Week and that many associations have events planned for this year's edition. The Committee is in the preliminary planning stages for its Contract Academic Staff conference in 2020.

iv. Equity

M. Rahman, Co-Chair of the Equity Committee, reported on the August Committee meeting. He noted the Committee discussed the planning around the Equity Conference scheduled for February 20-21, 2020. He noted they are in the process of securing speakers and facilitators for workshops. Several of the Committee members will also be taking on some roles. The Committee further discussed the structure and workload for the equity toolkit. He noted that the launching of the toolkit will be delayed until the spring as they are still working on finalizing the content for the online site. He is hopeful that the site will be a living resource and updated as issues arise.

He noted that the draft budget for the conference is included in the meeting materials for the Executive Committee's consideration.

**RAHMAN/COMPTON: THAT** the Executive Committee approve the draft budget of the CAUT Equity Conference as presented.

**CARRIED**

v. Librarians' & Archivists'

T. Ribaric, Chair of the Librarians' and Archivists' Committee, reported that the Committee will hold its regular meeting in advance of the Librarians' and Archivists' Conference scheduled for October 25-26, 2019, in Ottawa. He pointed out that the conference format will be less of an academic conference and more of a hands-on workshop looking at particular case studies. Further to a motion from the floor of Council in November on the business of performance metrics, the Committee revised the Policy Statement on Performance Metrics which will be discussed later in the agenda. He noted they are following closely the negotiations for the librarians at Western who are in a strike situation. A copy of the Librarians' and Archivists' Conference agenda was included in the meeting materials.

b. Committees of the Executive Reports

i. Francophones'

S. Jolicoeur, Chair of the Francophones' Committee, reported on the August Committee meeting. He reported that the Committee is considering developing model clause language for Policy Statements that it has previously drafted. The Committee reviewed their mandate and is of the view that they could be better known by CAUT member associations. The Committee recommends that the practice to arrange a Francophone/Francophile Luncheon during Council be maintained. They held very preliminary discussions regarding the next Francophones' conference.

ii. Clinical Faculty

The Executive Director reported that the Clinical Faculty Committee met August 26 in Ottawa. The Committee passed a resolution to create a working group to look into the issue of academic freedom as it pertains to clinical faculty.

iii. College and Institute Academic Staff

The President reported on her participation at the inaugural meeting of the College and Institute Academic Staff Committee held August 22 in Ottawa.

c. Working Group Reports

i. Aboriginal Post-Secondary Education Working Group

D. Newhouse, Chair of the Aboriginal Post-Secondary Working Group (APSEWG) reported that the APSEWG is in the process of revising the Bargaining Advisory for Indigenization of the Academy. They hope to have this completed by November. The working group held a conference call on September 4. They are in very preliminary discussions regarding the next conference for Aboriginal academic staff. They are working on a response to the Equity Committee regarding the equity toolkit. They have a draft report on a survey of Aboriginal academic staff in Ontario and are hopeful that it will be completed soon. He suggested that CAUT survey our associations with respect to issues for Indigenous members. He noted that November 1<sup>st</sup> is the 50<sup>th</sup> anniversary of Indigenous programs at Trent.

ii. Ad Hoc Working Group on Governance

M. Schroeder, Chair of the Ad Hoc Working Group on Governance, reported that the working group has held one teleconference since the June meeting. The working group revised the CAUT Policy Statement on Governance which will go to November Council. Several Committees have already provided comment on the draft governance issues framework and report. The next steps for the working group are to review the survey responses from the Governance survey conducted late last spring, begin work on the governance toolkit, and prepare advice on strengthening collective agreement language on governance for members.

**08. Organizational Matters**

a. Matters arising from Council

i. Resolutions

The Executive Director reported on the follow up to resolutions passed at the May Council.

b. Planning and Priorities

A copy of a CAUT memo, dated August 29, 2019, from the Executive Director, summarizing the planning and priorities discussion held at the Executive Committee retreat in June was included in the meeting materials for discussion. The Committee considered the challenges of the current political environment and possible actions that CAUT could take to tackle these challenges. The memo identified broad strategic priorities for the upcoming year: 1) building membership capacity; 2) defending and advancing the integrity of academic work; and 3) promoting social justice and equity.

c. CAUT Awards

The Executive Director reported that, at the request of the Equity Committee, he has reviewed the terms of reference of CAUT awards and is recommending changes to the terms of reference of CAUT awards to allow for groups, and not just individuals, to be eligible. Changes are also being proposed to ensure consistency in the nomination procedures for all awards.

**RAHMAN/HEARN: THAT** the Executive Committee recommends that the proposed changes to the Donald C. Savage Award, Equity Award, Academic Librarians' and Archivists' Distinguished Service Award, Milner Memorial Award, Sarah Shorten Award, and Bernice Shrank Award, be approved and sent to Council for consideration.

**CARRIED (1 ABSTENTION)**

d. CAUT Committees

The Executive Director reported that he has followed up with the Aboriginal Post-Secondary Education Working Group (APSEWG) in regards to consideration of revising its status as a new Standing Committee of Council. David Newhouse, Chair of the APSEWG, advised that he recommends that further consultation be done with the working group and Aboriginal members on this matter before proceeding with any change to the status of the group.

The Executive Director reported that he has recommended to Committee Chairs to add an item on their August Committee agenda a review and discussion of their committee terms of reference.

### **ORDER OF THE DAY (Friday, 11:30 am)**

#### **e. Financial/Administrative Matters**

##### **i. Financial Report: Year Ending June 30, 2019**

Y. Sangaré, Treasurer, presented the financial quarterly report for the year ended June 30, 2019.

##### **A. Review of Budget 2019-20**

A copy of the CAUT Budget 2019-20 was included in the meeting materials for information.

##### **ii. Release Time Requests**

V. Dufour, Director of Communications, informed members that only a few release time requests had been received to date. She reminded members to submit their requests as soon as possible.

##### **iii. Financial Requests**

##### **A. International Civil Liberties Monitoring Group**

The Executive Committee considered a financial request received from the International Civil Liberties Monitoring Group to supports its 2019-2020 action plan.

**COMPTON/SANGARÉ: THAT** CAUT donate \$20,000 to the International Civil Liberties Monitoring Group.

**CARRIED**

##### **B. Canadian Centre for Policy Alternatives**

The Executive Committee considered a financial request received from the Canadian Centre for Policy Alternatives.

**RAHMAN/COMPTON: THAT** CAUT donate \$15,000 to the Canadian Centre for Policy Alternatives.

**CARRIED (1 ABSTENTION /ARMSTRONG)**

#### **f. Membership Matters**

##### **i. University of Northern British Columbia Faculty Association**

The Executive reported on discussions with the UNBCFA regarding a request for financial assistance with arbitration costs.



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ii. Association of University of New Brunswick Teachers

The Executive reported on discussions he has had with the president of the AUNBT concerning a possible raid by another union.

g. Executive Director's Report on Academic Freedom

i. Investigations

A. Potter (McGill)

The Executive Director provided an update on the Andrew Potter (McGill) investigation. The Ad Hoc Investigatory Committee's (AHIC) report was released last November, concluding that there were serious violations of academic freedom and recommending that the McGill Administration adopt a policy to protect the academic freedom of academic administrators.

B. Peter Wall Institute for Advanced Studies (UBC)

The Executive Director reported that the Ad Hoc Investigatory Committee established to examine the circumstances surrounding the resignation of the Director of the Peter Wall Institute for Advanced Studies and determine if there were violations to their academic freedom, is currently conducting its investigation. The members of the Committee are: Dr. Kevin Kane, Chair - Professor, Faculty of Medicine and Dentistry, University of Alberta; and Dr. Jacqueline Holler - Associate Professor, Department of History, Women's Studies and Gender Studies, University of Northern British Columbia.

C. Mehta (Acadia)

The Executive Director provided an update on the Rick Mehta (Acadia) investigation. A settlement in the case had been reached on April 1. Subsequent to the settlement, Mehta was found to have violated the terms of the settlement.

D. Pyne (Thompson Rivers)

The Executive Director provided an update on the Derek Pyne (Thompson Rivers) investigation. The Ad Hoc Investigatory Committee has completed its report which is currently being reviewed by the CAUT Academic Freedom and Tenure Committee.

E. Horne (Dalhousie)

The Executive Director provided an update on the Gabrielle Horne case (Dalhousie) investigation. He pointed to an excerpt of the Dalhousie Senate minutes of April 22, 2019, which included an update by the Dalhousie Senate Planning and Governance Committee (SPGC) on the recommendations on academic freedom for non-bargaining members and a corresponding implementation plan. CAUT will continue to monitor developments on this process.

F. Atlantic Veterinary College (UPEI)

The Executive Director reported on new concerns raised at the Atlantic Veterinary College (University of Prince Edward Island). Correspondence exchanged between CAUT and UPEI President, Alaa Abd-El-Aziz, and UPEI Vice-President, Academic & Research, Katherine Gottschall-Pass, were included in the meeting materials.

ii. Cases

A. Persinger (Laurentian)

The Executive Director provided an update on the Michael Persinger (Laurentian) case. He noted that the hearing of a motion to conclude the grievance has been postponed to October 30, 2019.

B. Maritime College of Forest Technology

The Executive Director provided an update on two dismissal cases at the Maritime College of Forest Technology (MCFT), including (1) biologist Rod Cumberland, an active critic of the use of glyphosate by the NB forest industry, and (2) Gerald Redmond, former Executive Director of MCFT, for allegedly disclosing confidential information. Several news articles and an exchange of correspondence between CAUT and MCFT on the matter were included in the meeting materials.

C. Hira (Simon Fraser)

The Executive Director provided an update on the Hira case (Simon Fraser University).

D. Camosun College

The Executive Director presented on a case at Camosun College involving a grading issue complicated by accommodation needs.

E. Duchesne (UNB)

The Executive Director provided an update on the Duchesne case (University of New Brunswick). He noted that Duchesne has taken early retirement.

F. Yeager (King's)

The Executive Director provided an update on the Yeager case (King's University College). The case involves a respectful workplace and harassment complaint over criticism of departmental policy, chair, and behaviour at meetings.

G. Hawke (McMaster)

The Executive Director provided an update on the Hawke case (McMaster University) involving a grading dispute in which the assistant Dean applied an algorithm to adjust grades over the objection of the faculty member. He noted

that according to CAUT policy it is 'a violation of academic freedom for any administrative official unilaterally, arbitrarily, or outside of official procedures to influence, attempt to influence, or intervene in, the grading or evaluation of student performance by the academic staff assigned evaluation responsibility for a course or part of a course'.

H. Bonert (McMaster)

The Executive Director provided an update on the Bonert case (McMaster University). The case involves a dispute with the REB over alleged anonymity of research subjects.

I. Altosaar (Ottawa)

The Executive Director provided an update on the Altosaar case (University of Ottawa). The case involves a Grievance filed over alleged interference in academic freedom in research.

J. UBC

The Executive Director reported on a case at UBC involving a controversial speaker invited to speak at the UBC campus.

K. Mount Royal

The Executive Director reported on a recent issue at Mount Royal University regarding a faculty member who wrote a controversial op-ed.

h. Litigation

i. Access Copyright v. York University

The Executive Director reported that a decision in the case is pending.

ii. Arbitration Awards

The Executive Director highlighted several arbitration awards of significance to the post-secondary education sector.

i. Collective Bargaining Report

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

j. Education Report

A written report on education offerings by CAUT was provided in the meeting materials. In addition to what was outlined in the report, the Executive Director advised that CAUT has sponsored members to attend a Labour Arbitration Skills training course offered by the Queen's University Industrial Relations Centre.

k. Health & Safety Report

A written report on health and safety issues was provided in the meeting materials.

I. Organizing Report

The Executive Director reported on current organizing activities.

m. Publications

i. CAUT Editorial Board

A. CAUT Online Journal

CAUT President B. Austin-Smith reported on the meeting of the editorial board of the new CAUT Online Journal. The journal's editorial board is composed of T. Ribaric, B. Austin-Smith, P. McInnis, and Y. Sangaré.

n. Lee Lorch Award

**COMPTON/RAHMAN: THAT** the Executive Committee recommend to Council that the 2020 Lee Lorch Award be awarded to Dr. Isabel Desgagné-Penix, Professor with the Department of Physics, Biology and Chemistry, at the Université du Québec à Trois-Rivières.

**CARRIED**

o. New Associate Members

A list of new associate members was included in the meeting materials for information.

**09. ORDER OF THE DAY (Saturday, 12:00 pm)**

**Staff Matters**

a. Report of the Personnel Committee

The Chair of the Personnel Committee, J. Compton, reported on a meeting of the Personnel Committee. He noted that one staff member on long-term disability has returned to their position in August. One staff member is on short-term leave. CAUT has hired Tony Cantin as the new director of operations. He will assume the position as of October 7.

b. Staff and Related Administrative Issues

The Executive Director reported on staffing matters.

c. Staff Bargaining

**COMPTON/HEARN: THAT** the meeting move in-camera.

**CARRIED**

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

**CARRIED**

**HEARN/RAHMAN: THAT** the Executive Committee expresses its strong support of the CAUT bargaining team.

**CARRIED**

d. Management Relations

**COMPTON/SANGARÉ: THAT** the meeting move in-camera.

**CARRIED**

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

**CARRIED**

**ARMSTRONG/SANGARÉ: THAT** the Executive Committee recommend to Council that D. Robinson be re-appointed to a six-year term for the position of CAUT Executive Director, beginning July 1, 2020.

**CARRIED**

## 10. Policy and Model Clauses

e. Policy Statements

i. PS on Academic Staff with Mental Health Disabilities

**SCHROEDER/MCFALLS: THAT** the new Policy Statement on Mental Health Disabilities be referred to the CAUT Legal Department for review for consistency in legal terminology and language.

**CARRIED**

ii. PS on Performance Metrics

**RIBARIC/BOSE: THAT** the revised Policy Statement on Performance Metrics be approved with the following changes and sent to Council for consideration:

- Delete the word 'Sole' in sentence 2 of paragraph 2 of the preamble;
- Retain the deleted text '**... those publishing or disseminating knowledge in languages other than English,...** ';
- Revise Clause 2 as follows: 'If **an academic staff member chooses to provide** performance metrics ~~are chosen to be provided by the academic staff member, ...~~'
- Make the two lists parallel in sentence 1 of paragraph 1 of the preamble and in clause 1.

f. Model Clauses

There were no model clauses to review.

g. Administrative Policies

There were no administrative policies to review.

**11. Meetings, Conferences and Coalitions**

a. Meetings Attended

i. EI World Congress (July 20-26, Bangkok)

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

ii. College and Institute Committee meeting (August 22, Ottawa)

The Executive Director reported on the CAUT College and Institute Academic Staff Committee's first meeting held August 22 in Ottawa.

iii. CAUT Committee meetings (August 23-24, Ottawa)

This item was previously reported under item 07. (a) *Standing Committee Reports*.

iv. Clinical Faculty Committee meeting (August 26, Ottawa)

This item was previously reported under item 07. (b) *Committees of the Executive Reports*.

b. Upcoming Meetings and Events

i. ANSUT Conference on International Students

The Executive Director reported that he, the President and the Vice-President would attend the ANSUT Conference on International Students scheduled for September 19-20 in Halifax.

ii. CUFA-BC Annual General Meeting

The Executive Director reported that the CUFA-BC Annual General Meeting would take place October 3 in Prince George. The President will be attending.

iii. CAUT Defence Fund

The Executive Director reported the Defence Fund Annual General Meeting was scheduled for October 5 in Toronto. The President, the Chair of the Academic Freedom and Tenure Committee, the Chair of the Collective Bargaining and Economic Benefits Committee, and the Treasurer were planning to attend.

iv. Fair Employment Week

This item was previously reported under *Item 06. (b)(ii)*.

v. FQPPU Conseil (October 17-18, Montreal)

The Executive Director reported that the FQPPU Conseil was scheduled for October 17-18 in Montreal and would be attended by Y. Sangaré.

vi. Western Regional Conference

The Executive Director reported that he and the President would attend the Western Regional Conference scheduled for October 17-19 in Regina, Saskatchewan.

vii. CAUT Librarians' and Archivists' Conference

The Executive Director reported that the CAUT Librarians' and Archivists' Conference would take place in Ottawa, October 25-26.

c. Coalitions

i. International Civil Liberties Monitoring Group

This item was previously reported under *item 08. (e)(iii)(A) – Financial Requests – ICLMG*.

ii. Canadian Consortium for Research

P. Foster, Director of Research and Political Action, reported on the work of the Canadian Consortium for Research (CCR).

iii. Public Education Network

P. Foster, Director of Research and Political Action, reported that the Public Education Network meeting took place in September and the network discussed the election campaign, copyright and other common priorities such as issues of burnout and mental health, diversification of students, and governance including the composition of the institutions' decision-making bodies.

d. Related Organizations

i. Harry Crowe Foundation

The Executive Director reported that several of the presenters of the Harry Crowe Foundation Conference, held in February 2019, have agreed to have their presentations compiled and published on a new online platform that CAUT is in the process of developing.

ii. NUCAUT

The Executive Director provided an update on NUCAUT and Canadian Labour Congress (CLC) activities.

iii. J.H. Stewart Reid Trust

V. Dufour, Director of Communications, reported that the Trustees of the J.H. Stewart Reid Trust have selected Valerie McCallion, Ph.D. at Queen's University, as the winner of the 2019-20 J.H. Stewart Reid Memorial Fellowship.

iv. CAUT Refugee Foundation

The Executive Director reported that on November 4 CAUT issued another appeal to CAUT member associations to raise funds to support the resettlement of Carlos Zambrano Escamilla, president of the Sindicato de Profesores de la Fundación Universidad Autónoma de Colombia, further to his application for refugee status.

**12. Other Business**

There was no new business to consider.

**13. Review of Meeting**

The meeting was reviewed.

**14. ITEMS FOR INFORMATION**

The Executive Director referred to an article published August 28, 2019, in the Chronicle Review titled, *My Life as a Cautionary Tale – Probing the limits of academic freedom*, which was included in the meeting materials.

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There being no further business, the meeting was adjourned.



# Minutes

## 253rd Executive Committee Meeting

### November 26-27, 2019

#### Present

Brenda Austin-Smith, President (UMFA)  
 Peter McInnis, Vice-President (ST.FXAUT)  
 Yalla Sangaré, Treasurer (APPBUSA)  
 James Compton, Past President (UWOFA)  
 Serge Jolicoeur, Representative-at-large (Francophone)(ABPPUM)  
 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)  
 Pat Armstrong, Co-Chair, Equity Committee (YUFA)  
 Momin Rahman, Co-Chair, Equity Committee (TUFA)

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

#### Regrets

David Newhouse, Representative-at-large (Aboriginal)(TUFA)  
 Marc Schroeder, Representative-at-large (General)(MRFA)

#### 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

**COMPTON/WHITAKER:** THAT the agenda be approved with the deferral of *item 07. (c) Defence Fund*, to be discussed on Wednesday, November 27, as the Chair of the AF&T would be present for the discussion.

**CARRIED**

## 02. Approval of Minutes

- a. Executive Committee Meeting of September 13–14, 2019

It was noted that under *item 08. Report of the President* it should be indicated that Pam Foster, Director of Research and Political Action, be included in the attendance at the 8<sup>th</sup> Education International World Congress in Bangkok, Thailand (July 19-26), and not the Vice-President.

**ARMSTONG/BOSE:** THAT the minutes of the Executive Committee meeting of September 13-14, 2019 be approved as amended.

**CARRIED**

## 03. Business Arising

- a. Review of Action List

The action list was reviewed.

## 04. Report of the President

The President reported that it has been a very busy Fall. She reported on meetings she attended since the last Executive Committee meeting of September 13-14. She attended the Confederation of University Faculty Associations (CUFA) BC meeting, October 3 in Prince George, BC; the OCUFA Board meeting, October 19-20 in Toronto; the Librarians' and Archivists' Committee Meeting, October 19-20 in Ottawa; the Librarians' and Archivists' Conference, October 25-26; several bargaining negotiations dates with the Staff Union COPE 225; and interviews for the positions of Research Officer (to cover a maternity leave) and for Education Officer.

## 05. Report of the Executive Director

The Executive Director reported that CAUT has reached a tentative agreement with the staff union COPE 225. He thanked Brenda Austin-Smith, Peter McInnis, Valérie Dufour, and Tony Cantin. He highlighted the Pyne Ad Hoc Investigatory Committee report which was recently issued. He reported on his attendance at the Western Regional conference held October 17-19 in Regina and the UBC Annual General Meeting held October 22.

## 06. Political Action and Campaigns

- a. Government Relations

P. Foster, Director of Research and Political Action, discussed outreach plans to the new government and Members of Parliament including a constituency week campaign in March, 2020. As well, CAUT is planning to move ahead with a policy event on Crown copyright in the spring.

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**b. Campaigns****i. Fair Employment Week**

P. Foster, Director of Research and Political Action, reported that Fair Employment Week (FEW) took place the week of October 7-11 during the federal election. CAUT prepared some new materials for this year's campaign including posters, PowerPoint presentations, post-cards, etc. Next year, Fair Employment Week will return to the third week of October. A flyer highlighting FEW 2019 events was included in the Council meeting materials under *Council Item 14. (b)*.

**ii. Copyright**

P. Foster, Director of Research and Political Action, reported that the reports of the Heritage Committee and the Standing Committee on Industry, Science and Technology, as part of a Parliamentary review of the Copyright Act, were released in May and June respectively. Copies of CAUT's response to the two reports were included in the Council meeting materials under *Council Item 14. (c)*. She noted that the new government will determine what actions if any will take place and that there are opportunities to move forward in regards to Crown copyright.

She reported that CAUT is awaiting a decision in the appeal in the York v. Access Copyright case; CAUT is objecting to the Copyright Board decision on the new proposed interim tariff from Access Copyright.

**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. CAUT Membership Engagement Officer, Christina Muelhberger, will coordinate with them.

**iv. Federal Election**

P. Foster, Director of Research and Political Action, reported on CAUT's issue-based and non-partisan federal election campaign. The key issues raised in CAUT's campaign included research funding, casualization, equity issues, affordability, and mobilizing students to get out to vote. In addition to preparing an election tool-kit to assist member associations to put together campaigns on the local level, CAUT ran a digital ad campaign and developed an online survey tool on the CAUT website.

**c. International Matters****i. Solidarity Partnerships****A. Palestinian Federation of Unions of University Professors and Employees**

The Executive Director reported that CAUT helped sponsor a national higher education forum in Palestine in April and may be looking at a possible follow-up initiative for next year.

B. National Association of Graduate Teachers (Ghana)

The Executive Director reported that he attended a meeting in early October with the National Association of Graduate Teachers in Ghana. He noted that there are some significant changes underway in Ghana with their educational system as they are looking at moving to a more decentralized model. CAUT may be requested to provide assistance to them in the upcoming months, specifically in the way they proceed with collective bargaining.

C. University Teachers Association of Ghana

The Executive Director reported that he met with the National Association of Graduate Teachers in Ghana in early October.

D. College Lecturers' Association of Zimbabwe

The Executive Director reported on the deteriorating economic conditions in Zimbabwe and the impact that it is having on academic staff. He noted that the College Lecturers' Association of Zimbabwe will be having their congress in December. A copy of an article entitled, *Zimbabwe's government workers want wages pegged to US dollars*, (Chris Muronzi, Al Jazeera, 6 November 2019), was included in the meeting materials.

E. Pakistan

The Executive Director reported on a faculty development program that CAUT has been trying develop in collaboration with the Higher Education Commission of Pakistan. He noted that we are waiting for the Higher Commission to take next steps on the project and that it is unclear if the project will proceed.

ii. Organization for Economic Co-operation and Development

The Executive Director reported that the OECD has an informal working group on higher education. He advised that there is a proposal to make this working group a more formal structure.

iii. International Labour Organization

The Executive Director reported on outcomes of the International Labour Organization's global dialogue forum on terms and conditions of employment in tertiary education

iv. Education International

There was nothing new to report.

v. Appeals and Campaigns

A. Hong Kong

The Executive Director reported that CAUT has issued a letter to the Chief Executive of Hong Kong expressing solidarity with the Hong Kong Professional Teachers Union (HKPTU) who have been holding protests to defend their labour

rights and to condemn the violence and torture by police forces against the HKPTU. CAUT is urging the government of Hong Kong to respect the rights and freedoms of its citizens, and to investigate the use of violence against students and peaceful protesters. A copy of the CAUT letter was included in the Council meeting materials under *Council Item 16. (b)(i)*.

vi. Provincial Developments

A. Alberta

The Executive Director reported on serious concerns with the Government of Alberta's Blue Ribbon Panel on Alberta's Finances' recommendation to cut spending in the post-secondary sector in Alberta. The Executive Committee considered ways that CAUT could provide support and solidarity actions with our colleagues.

B. Ontario

The Executive Director reported that the Government of Ontario has introduced Bill 124, *Protecting a Sustainable Public Sector for Future Generations Act, 2019*, a bill that would interfere with the collective bargaining process. If passed, the bill would impose salary and compensation caps over a 3-year period on a wide range of sectors in the province including universities and colleges. CAUT is consulting with OCUFA on the legislation.

d. Research

i. Declaration on Research Assessment (DORA)

P. Foster, Director of Research and Political Action, reported that NSERC has announced that the Canadian research funding organizations have signed the San Francisco Declaration of Research Assessment (DORA). DORA is a global initiative to support the development and promotion of best practice in assessment of scholarly research. CAUT may want to consider sending out an advisory with some recommendations for associations on collective bargaining issues.

A sub-group of the Executive agreed to review the new protocol and make some recommendations to ensure that it is consistent with CAUT policies. T. Ribaric, R. Whitaker, P. Armstrong, and D. Newhouse will form this sub-group to look closer at the DORA protocol.

## 07. Membership Matters

a. New Activists Workshop

P. Foster, Director of Research and Political Action reported on the New Activists Workshop noting that there were 11 participants registered at this time.

b. OCUFA

The Executive Director reported that OCUFA has recently posted a new position for a Director of Collective Bargaining Services.

c. Defence Fund

The President reported on the last meeting of the Defence Fund in which there arose confusion over voting entitlements of the CAUT representative members. The Executive Committee discussed the matter and stressed the importance of ensuring alignment between CAUT and the Defence Fund.

## 08. Committee 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.

**BLAIR/MCINNIS: THAT** CAUT contribute \$10,000 towards the organization of an academic freedom symposium co-sponsored with the Ryerson Centre for Free Expression.

**CARRIED**

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 held its regular meeting in August and discussed the role of the CBEBC and how the Committee could better support the member mobilising model and have a greater involvement in the Forum for Chief Negotiators. The Committee also re-examined the CAUT awards in light of recognizing teams or groups, in addition to recognizing individuals.

iii. Contract Academic Staff

S. Bose, Chair of the Contract Academic Staff Committee, reported on the work of the Committee. She reported on Fair Employment Week noting that about 20 associations organized activities on campuses. The Committee is in the preliminary planning stages for its Contract Academic Staff Conference in 2020.

iv. Equity

M. Rahman, Co-Chair of the Equity Committee, reported on the work of the Committee. He noted that the Committee meeting in August was very productive. He provided a status-update of the work on the Equity tool-kit.

A. Equity Conference: February 21-22, 2020

M. Rahman, Co-Chair of the Equity Committee, reported that the Committee is in the final stages of planning for the upcoming Equity conference scheduled for February 2020. The agenda is developing nicely and several members of the Committee will assist in facilitating sessions. He noted that this edition of the Equity Forum would be a hands-on workshop model.

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v. Librarians' and Archivists'

A. Librarians' and Archivists' Conference

T. Ribaric, Chair of the Librarian's' and Archivists' Committee, reported on the work of the Committee. He highlighted the successful conference held in October.

b. Committees of the Executive Reports

i. Francophones'

S. Jolicoeur, Chair of the Francophones' Committee, reported on the work of the Committee. They are in the early planning stages of the Francophones' Conference. The Committee will be holding a conference call December 9.

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 newly constituted College and Institute Academic Staff Committee will meet annually. They had their inaugural meeting in August.

b. Working Group Reports

i. Aboriginal Post-Secondary Education Working Group

The Executive Director reported that the Aboriginal Post-Secondary Education Working Group is in the final stages of doing a review of the Bargaining Advisory on Indigenization. A copy of the result of a survey conducted by the Joint Working Group of the Ontario Council of Academic Vice Presidents (OCAV) and the Reference Group on Aboriginal Education (RGAE) was included in the meeting materials. The survey aimed at developing a better understanding of Indigenous faculty members' experiences in the tenure and promotion processes at Ontario universities. There may be an opportunity for CAUT to assist in undertaking a national survey.

ii. Ad Hoc Working Group on Governance

R. Whitaker, member of the Ad Hoc Working Group on Governance, reported that the Working Group has reviewed the governance survey results and is in the process of collating a database of collective agreement language provisions. They are also working on a policy statement on the recruitment of senior academic administrators and the use of search firms. They hope to have a draft for the February Executive Committee meeting. They will be holding an information session at the upcoming Council meeting.

## 09. Organizational Matters

### a. **ORDER OF THE DAY (Tuesday, November 26, 2:00 pm)** **Financial Matters**

#### i. Quarterly Report – ending June 30, 2019

Y. Sangaré, Treasurer, presented the Financial Report for the Year ended June 30, 2019. The report was included in the Council meeting materials - Financial Supplement - under *Council Item 18. (a)(i)*. The Executive Committee raised the issue of whether CAUT should consider creating a reserve fund for legal expenses. The Director of Finance, Human Resources and Operations will investigate the matter and bring a recommendation to the February meeting.

#### ii. Auditors' Report

A copy of the draft financial statement was provided in the Council meeting materials – Financial Supplement – under *Council Item 18. (a)(ii)*.

##### A. Report of the Audit Committee

Y. Sangaré, Treasurer, reported on a meeting with the CAUT auditor.

#### iii. Quarterly Report – three months ending September 30, 2019

Y. Sangaré, Treasurer, presented the Financial Report for the Quarter – three months ended September 30, 2019. The report was included in the Council meeting materials - Financial Supplement - under *Council Item 18. (a)(iii)*.

### b. Financial Requests

There were no financial requests to consider.

### c. Report of the Executive Director on Academic Freedom

#### i. 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.

##### 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. He noted that there was a lot of media coverage on this case.

C. Peter Wall Institute (UBC)

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

ii. Cases

A. Persinger (Laurentian)

The Executive Director provided an update on the Michael Persinger (Laurentian University) case. He noted that a settlement of the case was reached on October 30, concluding that Dr. Persinger's academic freedom was violated. As part of the settlement, the University has created a scholarship in Dr. Persinger's name.

B. Maritime College of Forest Technology

The Executive Director provided an update on the Maritime College of Forest Technology case.

C. Yeager (King's)

The Executive Director provided an update on the Matthew Yeager (King's University College) case.

D. Hawke (McMaster)

The Executive Director provided an update on the Thomas Hawke (McMaster University) case.

E. Bonert (McMaster)

The Executive Director provided an update on the Michael Bonert (McMaster University) case.

F. Altosaar (Ottawa)

The Executive Director provided an update on the Illimar Altosaar (University of Ottawa) case. A grievance was filed by the association over alleged interference in external research funding.

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iii. Issues

A. International Holocaust Remembrance Alliance

The Executive Director reported on concerns raised with the International Holocaust Remembrance Alliance's newly adopted definition of anti-semitism noting that Canada has signed off on the definition. The Executive Director recommended that the matter be referred to the Academic Freedom and Tenure Committee.

d. Litigation Report

i. Access Copyright v. York University

The Executive Director reported that a decision in the Access Copyright v. York University is still pending. A Federal Court of Appeal hearing was held March 5 and 6 in Ottawa. In addition to CAUT/CFS, interveners are: Universities Canada (written submission only); Copyright Consortium (Council of Ministers of Education Canada); and Canadian Publishers/Publishers' Council/Writers' Union of Canada.

ii. Arbitration Awards

The Executive Director reported on a court decision in the Canadian Federation of Students v. Ontario case involving a challenge to a *Student Choice Initiative* (SCI) requiring universities and colleges to permit students to opt-out of 'non-essential fees'. The decision concluded the SCI guidelines were "inconsistent with the legislation governing colleges and universities". A copy of the Court decision was included in the meeting materials.

e. Collective Bargaining Report

A written report on collective bargaining was included in the Council meeting materials under *Council Item 13. (a)*.

f. Education Report

A written report on education was included in the Council meeting materials under *Council Item 13. (b)*.

g. Health & Safety Report

A written report on CAUT's work on health and safety issues was included in the online Council meeting materials under *Council Item 13. (d)*.

h. Organizing Report

The Executive Director reported on current organizing activities.

i. Publications

i. Report of Bulletin Editorial Board

There was nothing new to report.

ii. CAUT Book Series

The Chair of the Bulletin Editorial Board, P. McInnis, reported on the status of the new online journal. They have prepared an initial call for papers. The Chair of the Librarians' and Archivists' Committee, T. Ribaric, provided some detail on work that has been done on the new platform.

j. New Associate Members

The Executive Director reviewed the list of new associate members.

## 10. Review of Council Agenda

The Council agenda was reviewed.

## 11. CAUT Policy

a. Policy Statements

i. Five-Year Review

A. Academic Freedom for Academic Administrators

The Executive Committee agreed that the Policy Statement on Academic Freedom for Academic Administrators be revised with the following editorial change and be reviewed in five years:

- Revise sentence 1 of Clause 1 as follows: '... full protection of academic freedom **in the fulfillment of their academic duties** as described in the CAUT's "Policy Statement on Academic Freedom" and related CAUT policies.'

B. Academic Freedom and Contractually Limited Appointments

**COMPTON/WHITAKER: THAT** the Executive Committee recommends that the Policy Statement on Academic Freedom and Contractually Limited Appointments be referred to the Contract Academic Staff Committee to review the policy as part of a five-year review.

**CARRIED**

C. Canadianization

The Executive Committee agreed that the Policy Statement on Canadianization be retained as is and be reviewed in five years.

#### D. Canadian Post-Secondary Educational Initiatives Abroad

The Executive Committee agreed that the Policy Statement on Canadian Post-Secondary Educational Initiatives Abroad be retained as is and be reviewed in five years.

#### E. Criteria and Procedures in Renewal, Tenure and Promotion Decisions

**ARMSTRONG/MCFALLS: THAT** the Executive Committee recommends that the Policy Statement on Criteria and Procedures in Renewal, Tenure and Promotion Decisions be approved with the following changes and sent to Council for consideration:

- That in sentence 2 and 3 of the preamble, the word 'must' be changed to '**should**'.
- That the single sentence of Clause 4 be modified as follows: '... at the time of the member's initial appointment, **unless modified in the collective agreement with the academic staff association;**'
- That the single sentence of Clause 6 be modified as follows: '... unattributed or anonymous materials or hearsay, **including student opinion surveys of teaching;**

**CARRIED**

#### F. Distribution of Workload and Sabbatical Leave

**RAHMAN/BLAIR: THAT** the Executive Committee recommends that the Policy Statement on Workload and Sabbatical Leave be revised with the following editorial changes and be reviewed in five years:

- That the second sentence of clause #5 be struck.
- That footnotes #1 and #2 be struck.

**CARRIED**

#### G. Early Review of an Academic Administrator's Performance

The Executive Committee agreed that the Policy Statement on Early Review of an Academic Administrator's Performance be revised with the following editorial changes and be reviewed in five years:

- That the single sentence of paragraph 1 be modified to replace the words 'his/her' to '**their**';
- That the words, 'or faculty handbook' be struck from paragraph 2 of the preamble.

#### H. Family and Personal Leave

The Executive Committee agreed that the Policy Statement on Family and Personal Leave be revised with the following editorial change and be reviewed in five years:

- That Clause 2 be modified as follows: 'Academic staff should not have to use their sick leave in order to attend to **family and personal** responsibilities.'

I. Guidelines for Decision-making within the Academic Staff Association During the Collective Bargaining Period

**ARMSTRONG/BOSE: THAT** the Executive Committee recommends that the Guidelines for Decision-making within the Academic Staff Association During the Collective Bargaining Period be referred to the Collective Bargaining and Economic Benefits Committee to review the policy as part of a five-year review.

**CARRIED**

J. Guidelines for International Cooperation

**RAHMAN/WHITAKER: THAT** the Executive Committee recommends that the Guidelines for International Cooperation be approved with the following change and sent to Council for consideration.

- Sentence 1 of Clause 3 be modified as follows: 'Priorities for potential initiatives should be **jointly** identified by **CAUT and** partner unions or associations representing members in the post-secondary education sector.'

**CARRIED**

K. Investigations, Tribunals and Policies Initiated by the Employer or Institutional Governing Bodies or Councils

The Executive Committee agreed that the Policy Statement on Investigations, Tribunals and Policies Initiated by the Employer or Institutional Governing Bodies or Councils be revised with the following editorial changes and be reviewed in five years:

- That the title be modified as follows: 'Policy Statement on Investigation **and**, Tribunals ~~and Policies~~ Initiated by the Employer or Institutional Governing Bodies or Councils.'
- That Clause 2 be modified as follows: 'Where institutional investigations, tribunals, or **procedures** ~~policies~~ are in conflict with, the provisions of the collective agreement shall prevail.'

L. Membership in the Bargaining Unit of Academic Staff Members Serving on the Board of Governors

The Executive Committee agreed that the Policy Statement on Membership in the Bargaining Unit of Academic Staff Members Serving on the Board of Governors be retained as is and be reviewed in five years.

M. National Child Care System

**RAHMAN/MCFALLS: THAT** the Executive Committee recommends that the Policy Statement on a National Child Care System be referred to the Equity Committee to review the policy as part of a five-year review.

**CARRIED**

N. Procedures in Academic Freedom Cases Involving Allegations of Requirements of an Ideological or Faith Test as a Condition of Employment

The Executive Committee agreed that the CAUT Procedures in Academic Freedom Cases Involving Allegations of Requirements of an Ideological or Faith Test as a Condition of Employment be retained as is and be reviewed in five years.

O. Renewal of Academic Staff

A sub-committee of the Executive Committee (S. Blair and R. Whitaker) agreed to review the Policy Statement on Renewal of Academic Staff and bring their recommendations to an upcoming Executive Committee meeting.

P. Tenure for Academic Clinicians

The Executive Committee agreed that the Policy Statement on Tenure for Academic Clinicians be retained as is and be reviewed in five years.

Q. Trigger Warnings

**RAHMAN/MCFALLS: THAT** the Executive Committee recommends that the Policy Statement on Trigger Warnings be referred to the Academic Freedom and Tenure Committee to review the policy as part of a five-year review.

**CARRIED**

R. Trusteeship of Academic Units

The Executive Committee agreed that the Policy Statement on Trusteeship of Academic Units be retained as is and be reviewed in five years.

iv. Administrative Procedures and Guidelines (APG)

A. Reimbursement of Delegates' Expenses for Council

The Executive Director recommended deferring discussion of the Administrative Policy on Reimbursement of Delegate's Expenses for Council until the February 2020 Executive Committee meeting.

**12. ORDER OF THE DAY (Wednesday November 21, 12:00 pm)  
Staff Matters**

a. Report of the Personnel Committee

J. Compton, Chair of the Personnel Committee, provided a report of the meeting of the Personnel Committee.

He noted that CAUT is currently conducting interviews for an Education Officer to replace the incumbent who had retired, and a Professional Officer to fill a maternity leave vacancy. CAUT has hired a replacement for the Graphic Designer position who is on leave for a one-year term. CAUT has hired a new Research Officer, Caroline Lachance, who assumed the position on November 12.

He reported that a tentative collective agreement was reached with the staff union COPE 225 on Friday, November 22, at 10:00 pm.

b. Staff and Related Administrative Issues

The Executive Director reported that CAUT has agreed on a new tentative agreement with the CAUT staff Union COPE 225. He summarized the main elements contained in the new agreement.

**IN CAMERA**

c. Management Relations

**COMPTON/MCINNIS: THAT** the meeting move in-camera.

**CARRIED**

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

**CARRIED**

**13. Meetings, Conferences and Coalitions**

a. Meetings Attended

i. ANSUT Conference, September 19-20, Halifax

The President and the Vice-President reported on their attendance at the ANSUT Conference on International Students held September 19-20 in Halifax.

ii. CUFA-BC Council Meeting, October 3, Prince George

The President reported on her attendance at the CUFA-BC Annual General Meeting held October 3 in Prince George.

iii. CAUT Defence Fund, October 5, Toronto

This item was previously reported under the *Executive item 07. (c) Defence Fund*.

iv. Conseil fédéral de la FQPPU, October 17-18, Montreal

The Treasurer, Y. Sangaré, reported on his attendance at the Conseil fédéral de la FQPPU, held October 17-18, in Montreal.

v. Western Regional Conference, October 17-19, Regina

The President, B. Austin-Smith, reported on her attendance and participation at the Western Regional Conference held in Regina, October 17-18.

vi. OCUFA Board Meeting, October 19-20, Toronto

This item was previously reported under *Executive item 07. (b) OCUFA*.

vii. Librarians' and Archivists' Committee, October 23-24, Ottawa

This item was previously reported under *Executive item 08. (a)(v) Librarians' and Archivists' Committee Report.*

viii. Librarians' and Archivists' Conference, October 25-26, Ottawa

This item was previously reported under *Executive item 08. (a)(v)(A) Librarians' and Archivists' Conference.*

b. Upcoming Meetings and Conferences

i. New Activists Workshop

The Executive Director reported that the New Activists Workshop (NAW) and Parliament Hill Day (PHD) would take place November 28 in advance of Council.

ii. Forum for Senior Grievance Officers

The Executive Director reported that the Forum for Senior Grievance Officers would take place in Ottawa, December 13-14.

iii. Forum for Presidents

The Executive Director reported that the Forum for Presidents would be held in Ottawa, January 17-18.

c. Related Organizations

i. Harry Crowe Foundation

The Executive Director reported that several of the presenters of the Harry Crowe Foundation Conference, held in February 2019, have agreed to have their presentations compiled and published on a new online platform that CAUT is in the process of developing.

ii. NUCAUT

The Executive Director reported that a first notice has been issued for the 7<sup>th</sup> Triennial Convention of NUCAUT which will be held in Vancouver on **Sunday, May 3, 2020**. The Convention will be held immediately prior to the Canadian Labour Congress Convention that starts on May 4, 2020 and continues until Friday, May 8.

iii. J.H. Stewart Reid Trust

V. Dufour, Director of Communications, reported that the Trustees of the J.H. Stewart Reid Trust have selected Valerie McCallion, Ph.D. candidate at Queen's University, as the winner of the 2019-20 J.H. Stewart Reid Memorial Fellowship. The biography of the winner was included in the Council meeting materials under *Council Item 27*.



iv. CAUT Refugee Foundation

The Executive Director reported that CAUT issued an appeal to member associations on November 4 to raise funds to support the resettlement of Carlos Zambrano Escamilla, president of the Sindicato de Profesores de la Fundación Universidad Autónoma de Colombia, further to his application for refugee status.

**14. Other Business**

There were no items to be addressed.

**15. Review of Meeting**

The meeting was reviewed.

**16. Items for Information**

There were no items for information to consider.

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There being no further business, the meeting was adjourned.

# 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)

**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/RIBARI C:** 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 Penteado, 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.

# Minutes

## 255<sup>th</sup> Executive Committee Teleconference

### April 21 & April 24, 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)  
 Serge Jolicoeur, Representative-at-large (Francophone)(ABPPUM) (\*April 21 only)  
 Robin Whitaker, Representative-at-large (General)(MUNFA)  
 Marc Schroeder, Representative-at-large (General)(MRFA)  
 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) (\*April 21 only)  
 Sarika Bose, Chair, Contract Academic Staff Committee (UBCFA)  
 Tim Ribaric, Chair, Librarians' and Archivists' Committee (BUFA)  
 Pat Armstrong, Co-Chair, Equity Committee (YUFA)  
 Momin Rahman, Co-Chair, Equity Committee (TUFA)

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

#### Opening Remarks

*The President welcomed members and provided instructions on some of the conference call protocols for participating in the conference call.*

**01. Approval of Agenda**

**RIBARIC/HEARN:** THAT the agenda be approved as circulated.

**CARRIED**

**02. Approval of Minutes**

- a. Executive Committee Meeting of February 7-8, 2020

**MCINNIS/SCHROEDER:** THAT the minutes of the Executive Committee meeting of February 7-8, 2020 be approved as circulated.

**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 February 7-8, 2020. She attended the CAUT Committee meetings March 7-8 in Ottawa. She reported that these were very productive meetings and an opportunity to connect with association activists from across the country. She participated in interviews for the new management position by teleconference. She also met with the Minister of Labour, the Honourable Filomena Tassi, where CAUT highlighted issues of significance to the post-secondary education sector, in particular in relation to precarious work and pay equity. She noted that since mid-March she has attended weekly conference call meetings with the collective bargaining and legal staff. She reported that CAUT has produced a 'Frequently Asked Questions' section on the CAUT website to inform members on issues raised by the COVID-19 situation. CAUT has also developed a new town hall series, with the first being delivered last week and several additional ones being planned. She has also been working with the Executive Director to convene meetings with member associations in Manitoba to prepare opposition to new funding cuts to post-secondary education announced by the Pallister government in Manitoba.

**05. Report of the Executive Director**

The Executive Director reported that the staff at CAUT has been especially busy since the beginning of the pandemic answering questions and helping member associations with different urgent matters. He explained that there is an urgent need to provide leadership to our member associations during this crisis. We will need to shift from more 'short-term' and urgent responses to longer term needs. CAUT will need to press the federal government to ensure it supports the post-secondary sector through this crisis.

**06. Political Action and Campaigns**

- a. COVID-19 Emergency Support Measures

P. Foster, Director of Research and Political Action, reported that the research and political action department has been actively building its advocacy lists through the highly successful participation in the new town hall series on COVID-19. The research



and advocacy team is also looking at developing surveys of members and students on issues they are experiencing.

The Executive Committee held a discussion on actions that CAUT could pursue to assist member associations responding to the COVID-19 crisis, and the need for CAUT to take a leadership role in helping associations navigate through a variety of challenges and issues.

## 07. Membership Matters

### a. Impact of COVID-19

#### i) FAQ: COVID-19 and the Academic Workplace

The Executive Director reported that CAUT has prepared a 'Frequently Asked Questions' page on its website to provide guidance for associations on issues raised as a result of the COVID-19 pandemic, noting that the site is being updated as more information is available. CAUT has also been working with member associations to draft letters of understanding (LOU) with their institutions. He noted that membership engagement has been heightened in response to the pandemic and that CAUT will need to find ways to maintain this level of engagement.

### b. Manitoba

The President reported that the Manitoba government is demanding that universities in the province cut their budgets by as much as 30 per cent, either by cutting their workforces or by reducing other expenditures. She noted that administrations were advised of this announcement only one week ago. She reported that CAUT has been mobilizing member associations across the province to fight the proposed cuts.

## **MOTION TO RECESS TO MOVE TO THE ACADEMIC FREEDOM FUND MEETING: 3:00 PM, APRIL 21, 2020**

**RAHMAN/SANGARÉ:** THAT the Executive Committee meeting move to the Academic Freedom Fund Meeting.

**CARRIED**

**COMPTON/WHITAKER:** THAT the Executive Committee reconvene to the regular Executive Committee meeting agenda.

**CARRIED**

## 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 reported that the March Committee meeting was very productive and dealt with the following matters: development of an academic freedom workshop – a sub-committee has been established for follow-up; (2) consideration of a national campaign to "save higher education" in light of provincial budget cuts, performance-based funding etc.; establishment of a sub-

committee to review the issue of prohibitive security costs imposed by institutions on faculty associations holding speaker events on campus; establishment of a sub-committee to look into privately owned edtech platforms and services; and discussion of the use of the International Holocaust Remembrance Alliance's definition of anti-Semitism.

ii. Collective Bargaining and Economic Benefits

S. Blair, Chair of the Collective Bargaining and Economic Benefits Committee, reported on the work of the Committee. She noted that the regular Committee meeting, scheduled for March 19, and the Forum for Chief Negotiators, scheduled for March 20-21, were cancelled due to travel restrictions as a result of the pandemic. In lieu of the regular Committee meeting, an on-line meeting was scheduled to discuss collective bargaining issues arising due to the impact of COVID-19 on campuses across the country. The Committee experienced several technical issues with the meeting software that made it difficult to hold the meeting. In the end, several members held a teleconference to talk about Q&A ideas for the COVID-19 page of the CAUT website.

iii. Contract Academic Staff

S. Bose, Chair of the Contract Academic Staff Committee, reported on the work of the Committee. At its March meeting, the Committee worked on the CAS Conference scheduled for October. She reported on various issues raised by CAS members due to the pandemic, including: concerns about increased workload and possible layoffs for CAS members; intellectual property concerns due to move to online teaching; establishment of emergency funds (as at Nipissing - with tenured faculty stepping up to contribute to help their CAS colleagues); need to provide extra support for members with disabilities, implications for maintaining health benefits; and reimbursement for investment into tech tools and tax implications for setting up home offices. The committee has asked that she bring forward a proposal to the Executive to include a seat for a CAS member on all CAUT committees.

A. Contract Academic Staff Conference

This item was reported under ***Executive item 08. (a)(iii).***

iv. Equity

M. Rahman and P. Armstrong, Co-Chairs of the Equity Committee, reported on the work of the Committee. They reported that the feedback for the Equity Conference, held February 20-21 in Ottawa, was very positive. Due to the 'hands-on' workshop approach to the conference, participants were able to work on developing their skills through the various sessions. It was recommended that future editions of the conference include more open sessions for the discussion of broad issues.

The Committee continues to work on developing the Equity tool-kit. The aim is to have some of the materials completed by the end of the summer with an anticipated launch for the November Council. The Committee worked on model clauses and provided advice to the Executive Director on equity-related issues including equitable compensation.

## A. Equity Conference

This item was reported under ***Executive item 08. (a)(iv).***

### v. Librarians' and Archivists'

T. Ribaric, Chair of the Librarian's' and Archivists' Committee, reported on the work of the Committee. He noted that the Committee's March meeting included a joint session with the Francophones' Committee to finalize two policy statements. He noted that they have used their listserv since the beginning of the COVID pandemic to share information and survey members on a various issues such as working conditions and health and safety issues.

### b. Committees of the Executive Reports

#### i. Francophones'

S. Jolicoeur, Chair of the Francophones' Committee, reported on the work of the Committee. He noted that the Committee worked on finalizing two joint policy statements with the Librarians' and Archivists' Committee. They also worked on the outline of the agenda for the upcoming Francophones' conference to be held in 2021. The theme will focus on how to ensure the future of programs in French across the country through mobilizing. He gave a brief overview of the sessions which are being planned.

#### ii. Clinical Faculty

The Executive Director advised there was nothing new to report. The next scheduled meeting is for August.

#### iii. College and Institute Academic Staff

The Executive Director advised there was nothing new to report. The next scheduled meeting is for August.

### c. Working Group Reports

#### i. Aboriginal Post-Secondary Education Working Group

D. Newhouse, Chair of the Aboriginal Post-Secondary Education Working Group (APSEWG) reported on the work of the Working Group. He noted that they are in the early planning stages of the next Aboriginal academic staff conference scheduled for October 1-2, 2021. The working group has also spent time discussing the findings from a survey conducted in Ontario for the Joint Working Group of the Ontario Council of Academic Vice Presidents (OCAV) and the Reference Group on Aboriginal Education (RGAE).

#### ii. Ad Hoc Working Group on Governance

M. Schroeder, Chair of the Ad Hoc Working Group on Governance, reported that the he and Robin Whitaker will be serving as presenters for an upcoming town hall on governance issues, noting they are still looking for a 3<sup>rd</sup> panellist. The working group also assisted with developing a FAQ entry on governance issues for the

frequently asked questions on COVID-19 page on the CAUT website. Their initial question dealt with governance issues related to immediate issues that academic staff associations would want to consider. They may be developing a subsequent follow-up question to deal with the more long-term issues. The working group will have a teleconference in May to develop a work-plan for upcoming year.

## 09. Organizational Matters

### a. Financial Matters

#### i. Quarterly Report – ending March 31, 2020

Y. Sangaré, Treasurer, presented the Financial Report for the quarter ended March 31, 2020.

#### ii. Release Time Requests

T. Cantin, Director of Finance, Human Resources and Operations, provided a status on release time requests received to-date.

#### iii. Revised 2020-2021 Budget

Y. Sangaré, Treasurer, presented the revised budget for 2020-2021.

**SANGARÉ/MCFALLS: THAT** the Executive Committee approve and recommend to Council the revised budget for 2020-2021, as circulated.

**CARRIED**

#### iv. Financial Requests

##### A. Solidarity Basket Fund for EI's 12th International Further and Higher Education and Research Conference

The Executive Director reported that CAUT has received a financial request for a Solidarity Basket Fund for EI's 12th International Further and Higher Education and Research Conference. He noted that this conference is scheduled to be held in December, and recommended that the Executive Committee defer this financial request, due to the current COVID-19 crisis. He recommended that we advise Education International that the Executive Committee will consider a financial contribution, at a later time, if the event is not cancelled.

##### B. EI URGENT ACTION APPEAL - Establishment of a COVID-19 Response Fund

The Executive Committee considered a request from Education International for a financial contribution towards its new COVID-19 Response Fund.

**BOSE/ARMSTRONG: THAT** CAUT donate the equivalent of €5,000 to Education International's COVID-19 Response Fund.

**CARRIED**

b. Council

i. Contingency Planning

The Executive Committee held a discussion on the status of the Spring Council meeting that was postponed due to the COVID-19 pandemic. The Executive Director presented various scenarios that could be considered. The Executive Committee agreed to defer making a decision on the matter until a future meeting. He recommended that CAUT offer virtual meeting options for the Forum for New Presidents and the Executive Committee Retreat, both upcoming events scheduled to be held in June.

c. Report of the Executive Director on Academic Freedom

i. Investigations

A. Peter Wall Institute for Advanced Studies (UBC)

The Executive Director provided an update on the Peter Wall Institute (University of Northern British Columbia) investigation. The AD Hoc Investigatory Committee is in the process of finalizing its report.

ii. Cases

The Executive Director, reported on a new case at Laurentian University involving collegial governance for librarians and archivists. The Laurentian University Faculty Association (LUFA) has made a request for financial assistance through the CAUT Arbitration Service.

d. Legal Report

The Executive Director provided an update on the York University v. Access Copyright case. The court ruled that the tariff is not mandatory. On the flip side, the Court found that York University's guidelines for the use of copyrighted material did not constitute fair dealing.

e. Collective Bargaining Report

The Executive Director reported CAUT is encouraging member associations to negotiate letters of understanding (LOU) with their institutions to cover the exceptional circumstances of the COVID-19 pandemic. CAUT will be adding a new page on the members' area of the CAUT website with examples of negotiated language to assist members in developing agreements at their own institutions.

f. Education Report

The Executive Director reported that due to the COVID-19 crisis, CAUT's regular workshop offerings have been suspended. CAUT has launched a series of webinars to address issues our members are facing due to COVID-19 crisis. Several webinar topics have been developed to-date.

g. Health & Safety Report

The Executive Director reported that CAUT has been providing support and advice to member associations as the crisis has been unfolding. The focus over the next few weeks will be on the development of return to work protocols.

h. Organizing Report

The Executive Director advised there was nothing new to report.

i. Communications Report

V. Dufour, Director of Communications, reported that the Communications team has launched a new COVID-19 weekly newsletter with news related to the pandemic. They are also using various communications tools to promote the new town hall webinar series. The last two issues of the CAUT *Bulletin* have been moved to an on-line format. The May-June issue of the *Bulletin* will be a double issue focussing on COVID-19 issues. She reported that a new communications workshop, incorporating a train-the-trainer approach, will be ready to launch in the fall.

j. Publications

i. Report of Bulletin Editorial Board

P. McInnis, Chair of the Bulletin Editorial Board, reported that in response to the current COVID-19 crisis, the CAUT *Bulletin* has been moved to an online format.

ii. CAUT On-line Journal

P. McInnis reported that the editorial board of the new CAUT On-Line Journal has received three submissions to review. The editorial board has consulted with the American Association of University Professors (AAUP) on their processes for managing their online journal.

k. New Associate Members

The Executive Director reported that there were no requests for new associate members to be considered.

**10. 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. CAUT has completed the hiring process for the new management position of Director of Organizing and Collective Bargaining. The candidate will commence in October. There are no outstanding grievances

b. Staff and Related Administrative Issues

The Executive Director provided an update on staffing matters. He noted that the COVID-19 pandemic has affected the office operations with staff now working from home.

c. In Camera

**MCINNIS/COMPTON: THAT** the meeting move in camera.

**CARRIED**

**BOSE/SANGARÉ: THAT** the meeting move out of camera.

**CARRIED**

## **11. Other Business**

There was no other business to be addressed.

## **12. Review of Meeting**

The meeting was reviewed.

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There being no further business, the meeting was adjourned.

# Minutes

## 256<sup>th</sup> Special Executive Committee On-line Meeting

### May 25, 2020

(Zoom meeting platform)

#### 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)  
 Serge Jolicoeur, Representative-at-large (Francophone)(ABPPUM)  
 Robin Whitaker, Representative-at-large (General)(MUNFA)  
 Marc Schroeder, Representative-at-large (General)(MRFA)  
 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)  
 Pat Armstrong, Co-Chair, Equity Committee (YUFA)  
 Momin Rahman, Co-Chair, Equity Committee (TUFA)

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

#### Opening Remarks

*The President welcomed members and advised that this special Executive Committee meeting was convened to provide members of the Executive Committee with a COVID-19 update and for a discussion on whether the Executive should bring forward a recommendation to hold a Special*



*Meeting of Council. The Executive Director advised he had two items to add to the agenda for discussion including (1) Elections for members of the CAUT Executive Committee and (2) the CAUT Refugee Foundation.*

## **01. COVID-19 Update**

The Executive Director highlighted a number of issues that have been raised in recent weeks by member associations. Some administrations are making decisions related to the way courses are going to be delivered in the fall without consulting the appropriate collegial governance bodies in their institutions. There have also been some administrations making claims about financial distress and possible exigency. There are also concerns being raised in relation to the dual 'hybrid' form of teaching that seems likely to be adopted on many campuses for the Fall semester. CAUT will need to provide guidance and assistance to member associations as they navigate through these issues, and empower them to challenge these administrations when necessary. It was recommended that the upcoming Forum for New Presidents would be an opportunity for new association presidents to share their experiences and to provide them with tools and advice.

## **02. Special Meeting of Council**

The Executive Director reported that further to the Spring Council meeting being deferred due to the COVID-19 pandemic, he has consulted with legal counsel as to how to proceed to deal with essential business matters including the adoption of a 2020-2021 budget, appointment of members to CAUT standing committees, and the delegation of authorities. He advised that the CAUT By-law allows for a special meeting of Council to be convened by the Executive Committee as long as members are given a 21-day notice.

**COMPTON/BLAIR: THAT** CAUT convene a special meeting of Council in compliance with the 21 days' notice as stipulated in the CAUT By-law, to be held June 26.

**CARRIED**

## **03. Elections for Positions on CAUT Executive Committee**

The Executive Director reported that due to the Spring Council meeting being deferred due to the COVID-19 pandemic, the procedure for elections of members to the CAUT Executive Committee needs to be addressed. He advised he is consulting with the CAUT auditors to establish a procedure to coordinate the distribution of ballots to voting delegates via electronic means.

## **04. CAUT Refugee Foundation**

The Executive Director reported that CAUT has been relying on the Funds available through the CAUT Refugee Foundation to support Dr. Carlos Zambrano Escamilla, former president of the Sindicato de Profesores de la Fundación Universidad Autónoma de Colombia, and his family, for their resettlement in Canada. He encouraged the Executive Committee to make a financial contribution to the Fund to help support Dr. Zambrano and his family through the next fiscal year.

**COMPTON/MCINNIS: THAT** CAUT contribute \$25,000 to the CAUT Refugee Foundation.

**CARRIED**

The Executive Director advised that the next meeting of the Executive Committee would be held in advance of the June 26 Council meeting. Details of the date and time of the meeting would be provided to members as soon as available.

*There being no further business the meeting was adjourned.*

# Minutes

## 257<sup>th</sup> Executive Committee On-line Meeting

June 19, 2020 – 12:00 pm – 14:00 pm (EDT)

(Zoom meeting platform)

### 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)  
 Serge Jolicoeur, Representative-at-large (Francophone)(ABPPUM)  
 Robin Whitaker, Representative-at-large (General)(MUNFA)  
 Marc Schroeder, Representative-at-large (General)(MRFA)  
 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)  
 Pat Armstrong, Co-Chair, Equity Committee (YUFA)  
 Momin Rahman, Co-Chair, Equity Committee (TUFA)

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

### Opening Remarks and Territorial Acknowledgement

*The President informed members that although this meeting is virtual, we all do our academic work on specific Indigenous, First nations, and Métis territories. Some of these territories are governed*

*by treaties, but some are still unceded. She asked members to reflect on the conditions under which we occupy these spaces, today and always.*

*The President reported that June 21 was National Indigenous Peoples Day in Canada and that CAUT has issued a statement for members to read and reflect on. She also noted that June 19, known as Juneteenth, was celebrated to mark the emancipation of Blacks in the United States.*

## 01. Approval of Agenda

**MCINNIS/SCHROEDER:** THAT the agenda be approved, as circulated.

**CARRIED**

## 02. Approval of Minutes

- a. Executive Committee Teleconference of April 21 & 24, 2020

**SANGARÉ/MCINNIS:** THAT the minutes of the Executive Committee meeting of April 21 & 24, 2020 be approved, as circulated.

**CARRIED**

- b. Executive Committee Meeting of May 25, 2020

**SANGARÉ/MCINNIS:** THAT the minutes of the Executive Committee meeting of May 25, 2020 be approved, as circulated.

**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 May 25, 2020. She attended the Forum for New Presidents on June 5 which was delivered in an on-line format due to the ongoing travel and social distancing requirements due to the COVID-19 pandemic. She has been attending weekly conference call meetings with the collective bargaining team, legal team, and the Director of Research and Political Action.

## 05. Report of the Executive Director

- a. Report on Academic Freedom

- i. Investigations

- A. Peter Wall Institute for Advanced Studies (UBC)

The Executive Director provided an update on the Peter Wall Institute (University of Northern British Columbia) investigation. The Ad Hoc Investigatory Committee has prepared a preliminary report.

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ii. Cases

A. Maritime College of Forest Technology

The Executive Director provided an update on the Maritime College of Forest Technology case.

B. St. Jerome's University

The Executive Director reported on the case of BJ Rye at St. Jerome's University. There are calls for Dr. Rye's dismissal following her use of a racial epithet in the classroom as part of a lecture on harmful words. The Executive Director noted that the University of Waterloo has rescinded its statement on the matter following concerns raised by CAUT and others.

C. Murphy (Ryerson)

The Executive Director reported on the case of Pascal Murphy at Ryerson University. Professor Murphy and his co-instructors had their course on Homelessness in Canadian Society cancelled by the administration just 3 days before it was to begin. Enrolment in the course was full, and Professor Murphy suspects the administration cancelled the course in retaliation for disagreements over teaching methods and content.

D. Cochrane (Manitoba)

The Executive Director reported on the case of Steven Cochrane at the University of Manitoba. Professor Cochrane resigned from the University after he displayed images of himself wearing black face.

E. Hudlicky (Brock)

The Executive Director reported on the case of Tomáš Hudlický at Brock University. The University had issued statements critical of an article written by Hudlický that was published in *Angewandte Chemie*. CAUT has written to the Administration of Brock University asking the administration to withdraw its statements and to respect and uphold the academic freedom of Professor Hudlický. The Brock University Faculty Association has filed a grievance.

F. Lowrey (Alberta)

The Executive Director reported on the case of Kathleen Lowrey at the University of Alberta who was dismissed as associate chair in her department over her views on gender. The Association of Academic Staff of the University of Alberta has filed a grievance.

G. Dalhousie

The Executive Director reported on the case of Prof. Charlebois who has been accused of research misconduct by an industry group for opinions he expressed in

an op-ed on supply management in Canada. Dalhousie has launched an investigation. The Executive Director said that the complaint should have been treated as frivolous as there was no research misconduct in this case. He expressed concern that Dalhousie's actions could create a chill on academic freedom.

iii. Litigation

A. York University/Access Copyright

The Executive Director provided an update on the York University v. Access Copyright case. He said it is expected that the ruling will be appealed.

## 06. Political Action Report

P. Foster, Director of Research and Political Action, provided a report on recent advocacy efforts. CAUT has briefed staff in Minister Qualtrough's office, at the Prime Minister's Office and the NDP PSE critic on the poll results done with Abacus Data. CAUT is re-tooling the *For our Future* campaign to seek short-term support through the wage subsidy program, as well as calling on the federal government to fix the broken funding model for PSE. CAUT is asking associations to call on members to reach out to MPs, from now through the Fall. She provided an update on CAUT's staff survey which closed with over 4000 respondents. Analysis on the survey is underway. Preliminary results show an increase in workload, a drop in research and an increase in mental health. Foster also shared the latest Labour Force Survey data for university and college professors which shows an increase of 4% unemployment over previous years in the spring/summer months.

### Committee Reports

a. Standing Committee Reports

i. Academic Freedom & Tenure

A. Hearn, Chair of the Academic Freedom and Tenure Committee, reported there was nothing new to report since the last Committee meeting in March.

ii. Collective Bargaining & Economic Benefits

S. Blair, Chair of the Collective Bargaining and Economic Benefits Committee, reported on the work of the Committee. The Committee met virtually last week to discuss organizing in times of a pandemic, and made a recommendation to Council for a winner of the Donald C. Savage Award.

iii. Contract Academic Staff

S. Bose, Chair of the Contract Academic Staff Committee, reported on several issues of concern for contract academic staff that have arisen out of the COVID-19 crisis including: job losses for contract academic staff members; cancellation of sabbatical leaves; reorganization of courses on some campuses including the increase of class sizes; and no financial support for the purchase of equipment.

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iv. Equity

P. Armstrong and M. Rahman, Co-Chairs of the Equity Committee, reported there was nothing new to report since the last Committee meeting in March.

v. Librarians' & Archivists'

T. Ribaric, Chair of the Librarians' and Archivists' Committee, reported there was nothing new to report since the last Committee meeting in March. He advised this would be his last meeting as member of the Executive Committee and that he would remain involved.

b. Committees of the Executive Reports

i. Francophones'

S. Jolicoeur, Chair of the Francophones' Committee, reported on some outstanding work of the Committee that will need to be addressed including finalizing the outline of the agenda for the Francophones' Conference scheduled for February 2021, and recommending to Council two joint policy statements drafted with the Librarians' and Archivists' Committee.

ii. Clinical Faculty

The Executive Director advised there was nothing new to report.

iii. Colleges and Institutes

The Executive Director advised there was nothing new to report.

c. Working Group Reports

i. Aboriginal Post-Secondary Education Working Group

D. Newhouse, Chair of the Aboriginal Post-Secondary Working Group, advised there was nothing new to report.

ii. Working Group on Governance

R. Whitaker reported that the Working Group passed a recommendation to the Executive Committee that the Working Group on Governance be reconstituted for another year. They would also like the Executive Committee to consider making the Working Group a permanent committee. They have also prepared an updated FAQ for the website and the Co-chairs' participated in an online Town Hall on governance issues on May 14.

In terms of policy statements that have not yet gone to Council, the Working Group thought it would be useful for the Executive Committee to provide some guidance or ideas to member associations while policy is still pending Council deliberation and endorsement. She noted the Working Group has shared the draft *Policy Statement on Administrative Searches* with a couple of member associations, on the understanding that it be used for their own guidance, as it is not official CAUT policy yet. Since these member associations found the material

useful, the Working Group is interested in pursuing a way to make it available more widely.

## 07. Organizational Matters

### a. Collective Bargaining Report

The Executive Director provided an overview of the collective bargaining report.

### b. Education Report

This item was previously reported under *Executive Item 06*.

### c. Health & Safety Report

The Executive Director reported that CAUT continues to provide support and advice to member associations and is monitoring return to work protocols that are being set up on campuses for the Fall semester.

### d. Organizing Report

The Executive Director provided a report on organizing activities.

### e. Communications Report

#### i. Publications

V. Dufour, Director of Communications, reported that the next edition of the CAUT *Bulletin* is likely to be delivered on-line. The theme will be on anti-racism and the Truth & Reconciliation Commission (TRC) – 5 years later.

#### ii. Report of Bulletin Editorial Board

There was nothing new to report.

#### iii. CAUT On-line Journal

P. McInnis, Chair of the Bulletin Editorial Board, provided an update on the new CAUT On-line Journal noting there have been some challenges getting it operational. To-date they have received a number of submissions that will be sent for review.

### f. New Associate Members

The Executive Director reported that there were no requests for new associate members to be considered.

## 08. Review of Council Agenda

The Executive Director reviewed the Council agenda.



## 09. 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, held June 17. CAUT has filled the vacant Professional Officer position, a position left vacant by the departure of Robert Johnson. Melissa Bendig, who is currently replacing Andrea Stewart during her Maternity/Parental leave, will be appointed to this full-time position as of July 1<sup>st</sup>, 2020. Bulletin Managing Editor Liza Duhaime remains on sick leave. Research Analyst John Hollingsworth is taking early retirement beginning June 30<sup>th</sup>, 2020. General Council Peter Barnacle has provided his notice of retirement effective October 31<sup>st</sup>, 2020. There are currently three vacant positions: 1) Finance Assistant, 2) Production Coordinator, and 3) Research Analyst. The hiring processes for these positions has been paused to allow management to discuss changes to CAUT's organizational structure.

### b. Staff and Related Administrative Issues

The Executive Director provided an update on staffing matters.

## IN CAMERA

### c. Management Relations

**SANGARÉ/BLAIR: THAT** the meeting move in camera.

**CARRIED**

**MCINNIS/WHITAKER: THAT** the meeting move out of camera.

**CARRIED**

## 10. Meetings and Events

### a. Meetings Attended

#### i. Forum for New Presidents, June 5

The President reported that the Forum for New Presidents held June 5 via the Zoom Meeting Platform was very successful. There was a record attendance for this meeting with 44 registered delegates.

### b. Upcoming Meetings and Conferences

#### i. Council, June 26

This item was previously reported under *Executive Item 09*.

#### ii. Committee Meetings, TBD

The Executive Director reported that the Committee meetings scheduled for August will be held as virtual meetings and focus solely on the core items that need to be addressed by the various committees.

iii. Contract Academic Staff Conference, TBD

The Executive Director reported that due to the situation with the pandemic being very fluid, the Contract Academic Staff Committee Conference scheduled for October may need to be held as a virtual event or deferred to a later time.

**11. Other Business**

There was no other business to be addressed.

**12. Review of Meeting**

The meeting was reviewed.

**13. Items for Information**

There were no items for information.

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*There being no further business the meeting was adjourned.*

# Minutes

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

### Zoom Conference Meeting

### July 13, 2020 – 14:00 – 16:00 (EDT)

#### 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)  
 Serge Jolicoeur, Representative-at-large (Francophone) (ABPPUM)  
 Marc Schroeder, Representative-at-large (General) (MRFA)  
 Robin Whitaker, Representative-at-large (General) (MUNFA)  
 Alison Hearn, Chair, Academic Freedom and Tenure Committee (UWOFA)  
 Sarika Bose, Chair, Contract Academic Staff Committee (UBCFA)  
 Kate Cushon, Chair, Librarians' and Archivists' Committee (URFA)  
 Sue Blair, Chair, Collective Bargaining and Economic Benefits Committee (AUNBT)  
 Pat Armstrong, Co-Chair, Equity Committee (YUFA)  
 Momin Rahman, Co-Chair, Equity Committee (TUFA)

David Robinson, Executive Director  
 Tony Cantin, Director of Finance, HR and Operations  
 Pam Foster, Director of Research and Political Action  
 Margaret McGovern-Poté, Executive Assistant to the Executive Director

#### Regrets

Laurence McFalls, Representative-at-large (Quebec) (SGPUM)

#### Opening Remarks and Territorial Acknowledgement

*The President informed members that although this meeting is virtual, we all do our academic work on specific Indigenous, First nations, and Métis territories. Some of these territories are*

*governed by treaties, but some are still unceded. She asked members to reflect on the conditions under which we occupy these spaces, today and always.*

## 01. Approval of Agenda

**MCINNIS/SANGARÉ:** **THAT** the agenda be approved, as circulated.

**CARRIED**

## 02. Approval of Minutes

a. Executive Committee Meeting of June 19, 2020

**BOSE/RAHMAN:** **THAT** the minutes of the Executive Committee meeting of June 19, 2020 be approved as circulated.

**CARRIED**

## 03. Business Arising

There was no business to arising to discuss.

## 04. Release Time Requests

The Executive Director reported on the status of leave time requests. He noted that several members have requested that the equivalent of their release time funds be placed into a research account to be administered by their institution.

The Executive Committee considered a request from CAUT President, B. Austin-Smith, to have her release time funds paid as follows: the equivalent of a 3-credit hour course release be set aside to hire a CAS member to replace her and that the remaining amount be placed into a research account to be administered by the University of Manitoba. B. Austin-Smith recused herself from the discussion and asked the Past President, J. Compton, to replace her as Chair during her absence.

**COMPTON/SCHROEDER:** **THAT** the Executive Committee approve B. Austin-Smith's request to have her release time funds paid as follows: the equivalent of a 3-credit hour course release be set aside to hire a CAS member to replace her and that the remaining amount be placed into a research account to be administered by the University of Manitoba.

**CARRIED**

J. Compton, Past President, advised that he wanted his release time funds to be paid as regular course release. Compton recused himself from the discussion.

**SANGARÉ/WHITAKER:** **THAT** the Executive Committee approve J. Compton's request to have his release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from CAUT Vice President, P. McInnis, to have his release time funds paid as regular course release. P. McInnis recused himself from the discussion.

**RAHMAN/BLAIR:** **THAT** the Executive Committee approve P. McInnis' request to have his release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from CAUT Treasurer, Y. Sangaré, to have his release time funds paid into a research account to be administered by Université Sainte-Anne. Y. Sangaré recused himself from the discussion.

**HEARN/BLAIR: THAT** the Executive Committee approve Y. Sangaré's request to have his release time funds paid into a research account to be administered by Université Sainte-Anne.

**CARRIED**

The Executive Committee considered a request from CAUT Equity Committee Co-Chair, M. Rahman, to have his release time funds paid into a research account to be administered by Trent University. M. Rahman recused himself from the discussion.

**WHITAKER/ARMSTONG: THAT** the Executive Committee approve M. Rahman's request to have his release time funds paid into a research account to be administered by Trent University.

**CARRIED**

The Executive Committee considered a request from CAUT Representative-at-Large (Aboriginal), D. Newhouse, to have his release time funds paid into a research account to be administered by Trent University. D. Newhouse recused himself from the discussion.

**HEARN/SCHROEDER: THAT** the Executive Committee approve D. Newhouse's request to have his release time funds paid into a research account to be administered by Trent University.

**CARRIED**

The Executive Committee considered a request from the Chair of the Academic Freedom and Tenure Committee, A. Hearn, to have her release time funds paid as regular course release. A. Hearn recused herself from the discussion.

**BLAIR/BOSE: THAT** the Executive Committee approve A. Hearn's request to have her release time funds paid as regular course release

**CARRIED**

The Executive Committee considered a request from the Chair of the Librarians' and Archivists' Committee, K. Cushon, to have her release time funds paid into a research account to be administered by the University of Regina. K. Cushon recused herself from the discussion.

**WHITAKER/RAHMAN: THAT** the Executive Committee approve K. Cushon's request to have her release time funds paid into a research account to be administered by the University of Regina.

**CARRIED**

The Executive Committee considered a request from the Chair of the Contract Academic Staff Committee, S. Bose, to have her release time funds paid towards a research stipend to be administered by the University of British Columbia. S. Bose recused herself from the discussion.

**BLAIR/SANGARÉ: THAT** the Executive Committee approve S. Bose's request to have her release time funds paid towards a research stipend to be administered by the University of British Columbia.

**CARRIED**

The Executive Committee considered a request from the Chair of the Francophones' Committee, S. Jolicoeur, to have his release time funds paid as regular course release. S. Jolicoeur recused himself from the discussion.

**HEARN/WHITAKER: THAT** the Executive Committee approve S. Jolicoeur's request to have his release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from the Chair of the Collective Bargaining and Economic Benefits Committee, S. Blair, to have her release time funds paid as regular course release. S. Blair recused herself from the discussion.

**ARMSTRONG/BOSE: THAT** the Executive Committee approve S. Blair's request to have her release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from CAUT Representative-at-Large (General), M. Schroeder, to have his release time funds paid as regular course release. M. Schroeder recused himself from the discussion.

**RAHMAN/WHITAKER: THAT** the Executive Committee approve M. Schroeder's request to have his release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from the Co-Chair of the Equity Committee, P. Armstrong, to have her release time funds paid as regular course release. P. Armstrong recused herself from the discussion.

**BLAIR/HEARN: THAT** the Executive Committee approve P. Armstrong's request to have her release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from CAUT Representative-at-Large (General), R. Whitaker, to have her release time funds paid as regular course release. R. Whitaker recused herself from the discussion.

**BLAIR/HEARN: THAT** the Executive Committee approve R. Whitaker's request to have her release time funds paid as regular course release.

**CARRIED**

The Executive Committee considered a request from CAUT Representative-at-Large (Quebec), L. McFalls, to have his release time funds paid into a research account to be administered by the Université de Montréal.

**BLAIR/RAHMAN: THAT** the Executive Committee approve L. McFalls' request to have his release time funds paid into a research account to be administered by the Université de Montréal.

**CARRIED**

***Items for Discussion***

**05. Review of Special Council Meeting**

The Special Council meeting held June 26, was reviewed. It was noted that the voting system coordinated by the auditors was for some confusing. Some suggestions for future virtual Council meetings would be to incorporate into the meeting agenda an 'issue' element to engage members, and perhaps invite an international guest or have a panel to raise broader issues to engage members.

**06. Alberta Bill 32: *Restoring Balance in Alberta's Workplaces Act, 2020***

The Executive Director reported on concerns with the government of Alberta's *Bill 32, Restoring Balance in Alberta's Workplaces Act, 2020*. The Executive discussed how CAUT should respond to this new legislation. It was recommended that CAUT consider holding an online panel to discuss this and other provincial legislation affecting labour rights.

**07. Debating Academic Freedom**

The Executive Committee discussed an academic freedom scenario presented in the meeting materials for discussion.

**08. COVID-19 Response**

There was not sufficient time for this item to be discussed.

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*The meeting adjourned at 16:00 EDT.*