



Report of the Executive Director

David Robinson

The past year has been marked by some important victories and new challenges for CAUT and its member associations. On the political front, the Federal Liberal government has delivered on CAUT's demands for new funding for research, the reinstatement of the long-form Census and the University and College Academic Staff System survey, and improved financial assistance to students, including Aboriginal students. Meanwhile, south of the border, the anti-intellectual and "alternative fact" Trump Administration is engaging in a full scale assault on the foundational values of equity and fairness that is spilling over onto university and college campuses. We should make no mistake in thinking that we are in any way immune from this brewing storm in the United States.

In this context, I believe it is critical that CAUT step up its efforts to defend and advance the core values for which we stand: academic freedom, collegial governance, fairness for contract staff, equity, and the integrity of the academic profession. This will require us to raise our public profile, focus on key priorities and objectives, and better engage with our member associations and with our coalition partners.

Political action and advocacy

One of our biggest political wins over the last year came when the federal government announced it was reinstating the University and College Academic Staff System (UCASS). UCASS was eliminated by the former Conservative government in 2010, and was the only source of reliable and comparable data on university and college staff, including salaries. In meetings we have had with the Minister of Science, Kirsty Duncan, we have been told that the new version of UCASS will be expanded to include contract academic staff, and more demographic and equity data. The latter will be particularly important as we push for greater equity in the ranks of Canada's professoriate.

The Liberal government's first budget in 2016 contained some important initiatives for our members, including a significant increase in base funding for the granting agencies. The Budget provided an additional \$95 million per year, starting in 2016-17, on an ongoing basis to Canada's



research granting councils. Unfortunately, that momentum was not sustained in the 2017 budget, with no new funding increases for basic research announced. CAUT estimates that it will take an additional \$500 million in the granting agency budgets over three years just to return to 2007 levels, when adjusted for inflation.

During consultations with the government late last year, CAUT had called for an independent and non-partisan Chief Science Officer, to be appointed by and accountable to Parliament. The Budget partially delivered on this by announcing the creation of a Chief Science Advisor to provide advice to the Prime Minister and the Minister of Science on how to ensure that government science is open to the public, that federal scientists are able to speak freely about their work, and that science is effectively communicated across government.

Meanwhile, the report of the Panel on Canada's Fundamental Science Review, which was scheduled to be released by the end of last year, remains in the hands of the Minister. When the report is eventually made public, CAUT will be providing a detailed analysis of the recommendations and will be meeting with the Minister to discuss the government's plans.

I am proud of the advances we have made in our communications work. A re-designed Bulletin was launched last year based upon feedback we received from members. We have expanded our social media presence, and are in the process of refreshing our website. The new design will provide us with more tools to run more effective digital campaigns.

CAUT's Fair Employment Week was held from October 24-28. CAUT and many member associations organized a series of events and activities across the country to draw attention to the overuse and exploitation of precariously employed contract academic staff. I attended a very successful event organized by the Association of Nova Scotia University Teachers and the Dalhousie Faculty Association in Halifax.

The casualization of employment in post-secondary education remains one of the most serious challenges we face, and we will need to step up our efforts at the bargaining table and in our public advocacy and coalition work to better promote job security, academic freedom, fair remuneration and benefits, and respect for all academic staff regardless of their appointment status.

Member services and support

CAUT continued to provide critical bargaining advice and assistance to member associations over the past year in a negotiating climate that remains challenging. Most negotiated salary increases remained moderate -- in the range of 1 to 2% per year -- but important gains were made elsewhere. Some achievements in bargaining over the past year include: enhanced job security and seniority rights for contract academic staff (Wilfrid Laurier, New Brunswick, Mount Allison, Regina, UPEI); better maternity and paternity benefits (St. Thomas, Laval); complement language (Laval); child care reimbursements (McMaster, Mount Allison); improved lay-off procedures (Cape Breton); new workload language (Manitoba); and, stronger equity provisions (St. Thomas, UPEI).

In an effort to improve the bargaining services we provide to member associations, CAUT has launched a new collective agreement database, building upon last year's launch of the arbitration database hosted by the Société québécoise d'information juridique (SOQUIJ).

CAUT continues to be active in relation to occupational health and safety. Our health and safety officer has highlighted the dangers of asbestos on campus following a number of high profile media reports. Following a resolution passed at November Council, CAUT staff are preparing information materials for member associations on ways they can encourage carbon emission reductions on campus in an effort to combat climate change. We are also preparing policy and advice on

university and college sexual assault policies to ensure our workplaces are free of violence and harassment, and that policies are consistent with our collective agreements.

Academic freedom

Academic freedom is a foundational value of post-secondary institutions that involves four key aspects:

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

We continue to see threats to academic freedom emerging from the misapplication of respectful workplace policies. CAUT is providing support to the Laurentian University Faculty Association (LUFA) in a case involving a professor of psychology who warned students that he would use "frank expressions and creative metaphors that reflect everyday life" in class. A parent complained about the "vulgar" language in an assignment, prompting the University to remove the professor from the course and impose discipline. The Association has filed several grievances that are proceeding to arbitration.

CAUT is also assisting the Carleton University Academic Staff Association (CUASA) in an arbitration case over actions taken against an elected faculty representative on the Board of Governors. The member was reprimanded for speaking out against decisions of the Board, and subsequently declared ineligible to run for a second term. The University has maintained that academic freedom does not apply when staff are engaged in service to the institution. Council will be considering a motion of censure against the Carleton Administration for their actions.

At the University of Lethbridge, a tenured professor was suspended without pay and banned from campus for allegedly violating the provincial human rights code. However, due process and natural justice were not followed. When the Association filed a grievance, the University claimed the matter could not be grieved as it involved an "administrative suspension" under provincial law and not covered by the collective agreement. After CAUT Council condemned the Administration's actions, the professor's pay was restored, but he remains suspended. If the position of the Administration is not challenged, every faculty member in the province of Alberta is potentially vulnerable. The Association is proceeding to court in order to get a ruling directing that the matter be sent to arbitration. Because of the importance of the case, CAUT is providing assistance under the Arbitration Service.

Allegations of wrong-doing and conflict of interest surrounding the University of Calgary's Enbridge Centre for Corporate Sustainability prompted CAUT to appoint an ad-hoc investigatory committee. Senior academics claim that Enbridge inappropriately interfered in the Centre. The former director of the Centre says he was let go from the position after raising concerns about Enbridge's influence, while another left in protest over the University's alleged failure to defend academic freedom. The Committee has completed its draft report. As is our procedure, we have notified those who may be adversely affected by the findings of the report of the conclusions the Committee has reached that affect them. This allows those named in the report twenty days to provide any further information to the Committee. Following that, the report will be considered by the Academic Freedom and Tenure Committee.

More recently, we have been dealing with a serious matter at McGill University. Following the posting of a blog column he wrote, the Director of the Institute for the Study of Canada resigned.

Prominent political figures had condemned the posting in which the author argued the response to a March snow storm in Montreal was reflective of a “pathologically alienated and low-trust society” in Quebec. There are now serious allegations that the University forced the Director to resign as a result of political pressure. If true, this could represent one of the most egregious violations of academic freedom in recent years. I have consulted with the Chair of the Academic Freedom and Tenure Committee and we will be recommending to the CAUT Executive Committee that a committee of inquiry be established to investigate.

Over a year ago, the report of the Independent Committee of Inquiry into the cases of Drs. Horne, Goodyear, and Nassar at Dalhousie University was released. In my last communication with the President of Dalhousie University, I was assured that the University, through the Dean of Medicine, would respond to the report by January. To date, there has been no response and no action taken to deal with the serious issues identified in the report. Council will need to consider what next steps should be taken.

While we continue to handle a range of individual academic freedom cases, it is also important to recognize that many of the current threats are systemic in nature. The growing numbers of contract academic staff is one such threat. While all academic staff have the right to academic freedom, it is difficult for colleagues employed without tenure and on precarious contracts to exercise that right without fear of recrimination.

Additionally, academic staff from marginalized and equity-seeking groups continue to face unacceptable constraints on their academic freedom as a result of on-going systemic discrimination. I have encouraged the CAUT Equity Committee to examine ways that our academic staff associations can use the tools at their disposal to confront those practices and biases that continue to marginalize so many within our universities and colleges.

Research

CAUT's research staff provide data and analysis to assist member associations in collective bargaining and advocacy. We publish an annual Almanac of Post-Secondary Education in Canada, and financial reports of universities and colleges.

The reinstatement of the University and College Academic Staff System (UCASS) will allow us to once again collect and provide detailed salary information and demographic data about academic staff in Canada. Until UCASS results are released, we continue to use data produced by the National Faculty Data Pool (NFPD), a project based at the University of Western Ontario and coordinated by the Ontario Council of Academic Vice-Presidents.

This year, our Librarians' Salary and Academic Status Survey will be in the field. This continues to be the most comprehensive survey of the terms and conditions of academic librarians in the country.

International relations

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

In November of last year, EI convened its Further and Higher Education Conference in Accra, Ghana. I and the President of CAUT attended the event which featured international perspectives on collective bargaining trends, precarious employment, and academic freedom.

CAUT also continues to engage in bilateral solidarity initiatives. We have ongoing partnerships with the National Association of Graduate Teachers of Ghana (NAGRAT), the Palestinian Federation of Unions of University Professors and Employees (PFUUPE), and the College and Lecturers Association of Zimbabwe (COLAZ). We recently assisted COLAZ in organizing a gender equity workshop for members, and helped fund a leadership training program for PFUUPE.

Legal

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

CAUT provided legal support for a group of faculty at McMaster University seeking justice at the Ontario Divisional Court over an unfair internal hearing process that imposed serious -- and for three professors career-ending -- penalties for which the University provides no avenue of appeal. The case raised important questions about academic freedom, due process, and procedural fairness.

The case was heard April 26-29, 2016, and a decision was released in September. In a strong rebuke to McMaster University, the Ontario Superior Court quashed the penalties levied against four of the professors. The Court ruled that the University tribunal's three-year suspensions without pay of three of the faculty "were excessively long," "had the effect of destroying the employment relationship" and failed to consider "a number of obviously relevant mitigating factors." It ordered the suspensions be reduced to one year and that the university president "establish a fair and independent arbitral process" to determine the "compensatory entitlements" to be paid to the three. The suspension without pay of the fourth was reduced to one semester, with similar entitlement to compensation. CAUT's General Counsel is representing the four in the arbitral process that has begun to determine compensation.

CAUT legal staff are handling a Canada Human Rights Commission complaint we filed concerning the failure of the Canada Research Chairs (CRC) Program to abide by the terms of a 2006 Settlement that CAUT helped negotiate. Specifically, the claim is that the CRC Program has failed to carry out an update of the targets established for representation of members of the four protected groups. We hope to be able to use the enforcement process as a lever for mediation on a broader range of issues arising from the settlement.

We have engaged legal counsel to intervene in the case of Professor Marie-Ève Maillé of the Université du Québec à Montréal. A lower court had ordered Professor Maillé to turn over the names of people she interviewed as part of her research into the development of a wind farm in the area of Arthabaska, a decision that jeopardizes the confidentiality of research subjects. CAUT was involved in a 2014 Quebec Superior Court decision (Parent c. R., 2014 QCCS 132) that quashed efforts to seize the confidential research records of two University of Ottawa professors. In that case, Justice Sophie Bourque denied Montreal police access to taped interviews with research subjects, upholding for the first time the rights of researchers to protect confidential information necessary for their academic work. The Maillé case raises similar issues and underscores the importance of protecting research confidentiality.

Finally, CAUT is planning to seek intervenor status before the Supreme Court of Canada in the case involving Trinity Western University (TWU) and the Law Society of Upper Canada (LSUC). TWU has been granted leave to appeal an Ontario Court decision rejecting a bid by the University's law school for recognition by the provincial law society. The Ontario Court found that the LSUC acted "reasonably" in voting not to grant accreditation to the law school because of concerns about TWU's "community covenant" which forbids sex outside of heterosexual marriage. The Court

stated: "The Covenant is a document that discriminates against LGBTQ persons by forcing them to renounce their dignity and self-respect in order to obtain an education." For CAUT, the issue of academic freedom is also important for the Court to consider. A 2009 CAUT investigation into TWU found that the institution violates academic freedom by requiring academic staff to adhere to a statement of faith that recognizes the Bible as the ultimate authority on all matters.

Membership

CAUT has 78 local association members and three federated association members. As of January, individual affiliated membership stands at 51,393, an increase of about 2,400 from the previous year.

We were pleased to welcome two new members over the past year – Grant MacEwan University Faculty Association, and the British Columbia Institute of Technology Faculty and Staff Association.

Staffing

The last year has been a difficult one for CAUT as we found ourselves in a challenging round of negotiations with our staff union. As I write this report, we have still failed to reach a settlement.

It is not unusual for an employer and its employees to have differences. Collective bargaining is a process by which those differences can be resolved in a mutually satisfactory way. Despite our difficulties in reaching an agreement, I remain grateful to the staff at CAUT whose dedication and hard work help supports our collective efforts.

There have been several staff changes since my last report. Shelley Melanson took up the position of Membership Engagement Officer in August. Also in August, Andrea Harrington started her role as Collective Bargaining Officer. Peter Barnacle joined CAUT as General Counsel in September. Immanuel Lanzaderas was hired as legal counsel in November, replacing Christopher Schulz who accepted a job with the Public Service Alliance of Canada.

I am also pleased to report that Pam Foster was appointed Director of Research and Political Action in November. The previous Director, Sylvain Schetagne, resigned to relocate to Montreal due to personal family matters.

Marissa McHugh was hired in January for the position of Administrative Assistant in the legal department, replacing Véronique Lacroix who took a position with the Public Service Alliance of Canada.

Marcel Roy was appointed Meeting and Event Planner in February, following the retirement of Nancy Gordon who served 37 years with CAUT. Finally, Lisa Keller was hired in March as Communications Officer, replacing Angela Regnier who relocated to Calgary.

A final note of thanks

I would like to conclude by once again thanking the dedicated leaders and activists of our associations who fight for better working conditions and rights for our members, better learning conditions for students, and a more just and equitable society. I also want to express my gratitude to the many people who volunteer their time and energy to serve CAUT on its committees, working groups, and networks. Without your dedication and support, we simply could not do the important work that that we do.