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PRESIDENT’S VOICE
Academic Liberalisms and Neoliberalism in the Time of COVID-19
Intellectual property and academic freedom in the context of the COVID-19 pandemic

By Elizabeth Hanson
President, QUFA

As QUFA Members prepare to teach the fall term remotely, an endeavour which requires them to use new tools to deliver their courses in new ways, QUFA has received, in response to directives from university administration, a number of anxious messages from Members about intellectual property in teaching materials that will be placed online, or about their academic freedom in deciding how best to deliver courses. While many of these concerns are unfounded in a narrow technical way, I think these Members are recognizing a more global threat to the integrity of academic work that has been with us for some time and is becoming more palpable in the exigencies of this crisis. To grasp the nature of the threat, we need to think about the philosophical underpinnings of the terms we use to describe our working conditions.

Intellectual property (IP) and academic freedom (AF) are different rights with different implications. However, they are both expressions of liberal philosophical principles that are usually framed in terms of the relationship between the citizen and the state. It is unusual for employees to enjoy these rights in relation to their employer. Employees of a private corporation enjoy neither the right to publicly criticize their employer as we do, nor do they retain intellectual property rights for things they invent while doing the work of the company. While academic freedom is a right enjoyed, at least in theory, by most academic staff in North America, the retention of exclusive intellectual property in the fruits of research is not a universal norm across universities, although as Michael White, who wrote QUFA’s IP and Remote Course Delivery Infosheet observed recently, the contentions tend to be around patents rather than about copyright because that’s where the lucre lies.

QUFA IMAGES
Mask Up!

Masks or face coverings are now mandatory in indoor public places in Kingston. In this issue of QUFA Voices, QUFA Member Leda Raptis tells you how to get one of her custom-made masks. Please see page 7.

Leda Raptis
Our AF rights are set out in Article 14 of the Collective Agreement (CA); IP rights are in Article 16. Schedule B of the letter of understanding (LOU) that QUFA signed with the university to permit variances from the CA in response to pandemic conditions expressly states that, while the university may direct our Members to teach remotely, thereby departing from norm that underpins provisions of the CA on teaching, our Members retain all their AF and IP rights. Notably, the AF rights include the right to insist on synchronous teaching.

Our IP and AF rights are features of a way of working that most workers have forfeited under capitalism, but which we have been able to retain because liberal societies have long seen self-ownership and freedom they express as integral to truth-seeking. This is not necessarily a democratic idea. Historian of science Steven Shapin has argued that in seventeenth-century England the Royal Society deemed that its membership should exclude artisans even though such men’s trades meant that they were constantly experimenting, because artisans were subject to the market and only gentlemen who were independently wealthy could be trusted to pursue scientific truth wherever it led. The idea that academics are not subject to markets may strike my recently hired or adjunct colleagues as hilarious. But after twenty-five years as a tenured professor at Queen’s, I would say to the newly tenured that you have actually managed to scramble up to a patch of high ground where, at least for now, you really can pursue truth if you want to. To the precarious or disappointed, I’d say that many of you are in that state because, for the past four decades, universities, especially public ones like ours, have been under neoliberal pressures to capture that patch of ground for markets. Invocations of IP and AF rights, I think, are in many cases attempts to defend that shrinking patch for truth-seeking subjects, against neoliberal encroachment.

I will get back to the liberalisms expressed in IP and AF in a moment, but since neoliberalism is a term that gets thrown around like a swear word, let me unpack it a bit. The birth of neoliberalism is usually ascribed to the Austrian economist Friedrich Hayek’s “revelation” in 1936 that “the market” could be thought of as a giant, perfect mind that, left to operate unregulated, would produce both optimal productivity and perfectly just, if unequal, outcomes. The inequality would in fact demonstrate the “justice,” because the market would reward the optimally productive. That this is not an economic insight but an ideological fantasy is evident in the implicit conflation of the timeless idea of the “market” with the violent historical phenomenon of capitalism. But to make a long story short, after the post-war decades, in which a different capitalism reigned in Europe and North America, one that brought high taxation on wealth, public health-care systems (even the U.S. got Medicare and Medicaid), public universities with low or no tuition and other social benefits, Hayek’s ideas came to power in Britain and the U.S. with the election of Thatcher and Reagan, and led to drastically decreased taxation, loss of regulation, cycles of austerity, and in the U.S. the selling of state functions, including prisons, to the private sector. The story is more convoluted and attenuated in Ontario, but we got our own sharp shock of neoliberalism in the 1990s from the combined effects of the Harris and Martin governments, which was slightly blunted under the Liberals before being sharpened again by Ford. My point, however, is not the wicked actions of particular political actors, but hegemonic assumptions that, while varying in form and intensity, have over time diminished the capacity of public institutions and services, feeding ever greater chunks of their purposes, functions, and resources to the private sector.

In the case of Ontario universities, the neoliberal hegemony has meant a diminution in the percentage of operating budgets that come from government grants (from north of 80% to around 35%) and a corresponding increase in tuition, with differential tuition for programs on the basis not that the programs are intrinsically more expensive to deliver, but rather that they are worth more in future earnings to the students. This is an ideological shift masquerading as a financial solution, reframing education as private, instrumental capital rather than public good; if a society can afford
parental savings and student debt, it can just as well afford taxation and public debt. At Queen’s, this situation gave rise to our odious budget model, the deterioration of our faculty/student ratio to 1:29, as well as the rise of “online learning” and “blended” courses in undergraduate teaching, which stretch faculty salary dollars over greater numbers of revenue-generating students by the technological capture of faculty work as a stable, reusable product.

Writer Stephen Metcalf points out that one casualty of neoliberalism is the public sphere and the deliberative subjects who encounter one another there to constitute liberal society, a point which brings us back to IP and AF. It exceeds the space of this column to describe the problematic Lockean connection between property rights and deliberative subjects. Suffice it to say that IP in many of its forms is not a hill I would die on. All property may not be theft, but it is always the outcome of other people’s work, existing infrastructure, historical accident, and extreme injustice. Moreover, there are plenty of models for deliberative, reflective, truth-seeking that don’t rely on property rights to constitute deliberative subjects. Indigenous ones come to mind. Practically speaking, I have been negotiating for the university rather than QUFA, I would have argued without shame that the university has a right to share in profits arising from work done by Members who were supported by public-funded salaries, stimulated by students, supplied with university offices, etc. And yet, what is striking about the messages from Members concerned about their IP in the context of remote teaching is that they aren’t about loss of profit but rather loss of control over teaching materials that constitute their pedagogical personhood: their accrued set of tools, ideas about their discipline, expression of it in the form of notes, slides, assessments, etc. In the language of IP, something like “moral rights”—or “property” in the older sense of an attribute that makes a person or thing what they are.

In contrast to IP, AF is, if not a hill I would die on, then a mound where I would sacrifice a limb. Its lineage, like property’s, is far too complicated to lay out here, so I will just observe that it is the concept whereby we acknowledge that the financial or political interests of the university or our provincial partial paymaster may not align with the truth-seeking with which we are charged. It is also, of course, a cover under which tenured professors can shield laziness or close-mindedness, and like its relative, free speech, is susceptible to right-wing weaponization. But you only have to think about Stephen Harper’s treatment of government scientists to know why it’s important. And you only have to think about the university’s imperative to stretch professors over an increasing number of students to see that in the neoliberal university, “prescribed doctrine” which Article 14.2.(a) frees us from in our teaching includes an ideologically driven economic logic.

These reflections were prompted by a message from a colleague about the relentless pressure from the Faculty of Arts and Science to electronically can his teaching materials for asynchronous delivery. He felt that putting his teaching materials online made his intellectual property vulnerable to appropriation by the university for the purpose of replacing him. His message caused me to think about the way that the tenured (and to-be-tenured) professor is an anomaly in liberal capitalism, a figure for whom liberal rights protect unalienated work—even as our grad students are pushed into the adjunct-precariat and patent-holding colleagues become capitalists. I can reassure my colleague that his “IP” is safe, and his job is secure. But as tech companies pounce on the marketing opportunities afforded by the pandemic, and crow about the pandemic as an “inflection point” in “online learning” and as we are pushed to evacuate personal contact from our encounters with students, we need to be alert to what is actually going on.

Notes

1https://www.qufa.ca/announcements/qufa-infosheet-on-intellectual-property-remote-delivery/

2A Social History of Truth (Chicago, 1994).


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EXECUTIVE DIRECTOR'S VOICE

Retirement and Pension: The Basics

How and when can QUFA Members activate their pension?

By Leslie Jermy
Executive Director, QUFA

Over the past few years, QUFA has been quite active on the pension file, helping to negotiate a new University Pension Plan (UPP), negotiating the terms of conversion to that plan for QUFA Members, and negotiating a new voluntary phased retirement program. Over this period, it has become clear that how and when to retire or activate one’s pension are questions that concern QUFA Members. This article is designed to help with some of those questions and is designed to make no assumptions about what people already know.

Retiring: This is when you cease working for your primary employer and, normally, also activate your pension. However, the two things—retiring from active, full-time work and taking your pension—may not necessarily be linked. You indicate your desire to retire by telling your head or dean in writing of your intentions and the date at which you intend to leave employment (normally at the end of a month). You can expect a written response to this letter or e-mail from your head or dean. Once your intention to retire is accepted in writing, it becomes irrevocable unless both parties agree to reverse the decision. There are many monetary considerations to think about when looking at retirement and pension options, including:

- Tax implications of taking pension while still earning full salary;
- Loss of full medical and dental benefits at retirement;
- Penalties and pension reductions for taking pension before your normal retirement date;
- Value of the phased retirement supplement payment in its different forms (see VPRP terms for details on the supplement);
- General financial climate and its impact on your money-purchase pension account, if relevant.

Retirement and pension activation are important and complex decisions. Make sure you understand the choices, and their financial and social consequences. Reach out to QUFA, Queen’s Pension Office, and financial experts as appropriate.

Key Resources

- QUFA Pension Resources: https://www.qufa.ca/member-services/pension-information
- Queen’s Pension Office: http://www.queensu.ca/humanresources/total-compensation/pension-services
- Queen’s Retirement Policy: http://www.queensu.ca/humanresources/policies/employment/retirement
- Working Past Normal Retirement Date: https://www.queensu.ca/retirees/home
- Retirees Association at Queen’s: https://www.queensu.ca/retirees/home

Actuating Your Pension:

Activating Your Pension: Once you have decided when you want to begin to take your pension, you need to make an appointment with the Queen’s Pension Office to arrange for the payment of your pension. You should allow a couple of months to ensure that the human-resources steps can be taken in a timely way to ensure no break in earnings (if you are also ceasing your salary and retiring).

Normal Retirement Age: This is the age that your pension becomes available to you with no penalties. At Queen’s, in the Queen’s Pension Plan (QPP) and in the UPP, this is 65 years of age.

Normal Retirement Date: The last day of the last month you work for
Queen’s in your current capacity is the date of retirement. Until 2019, faculty had to wait until the end of the academic year (30 June) in which they turned age 65 to retire if they wished to take their full pension; now you may retire at the end of the month in which you turn age 65 and take your normal, unreduced pension.

**Early Retirement:** This is when you retire from work and take your pension before the normal retirement age of 65. The QPP has stiff penalties that are applied to your pension if you take it early. If you are considering doing this in the next calendar year, please make sure to contact the Queen’s Pension Office to get details. When the UPP becomes an active pension plan (projected for 1 July 2021), you will be able to take early retirement as long as you have both 60 years of age and at least 20 years of service (60+20=80, called “Factor 80”). Your pension will only be what you have accrued to that point in time, so it will be less than the projections you see on your annual statement, but there will be no additional penalties applied. Service under the QPP will count towards the early retirement calculation, so this feature will be available to those who qualify as soon as the UPP is formally constituted.

**Voluntary Phased Retirement Program (VPRP):** This is a complex program that allows you to reduce your workload (and salary) in the last three years of work in return for a firm commitment to retire and a supplemental payment worth 75% of your normal salary in the first year of the program. The terms are too complex to reproduce here, so please follow the link to the QUFA Pension page. Please note that this program is not contingent on the creation of the UPP; it is available to those who qualify now. One restriction is that you have to attain at least 65 years of age when you retire, and you cannot be older than 71. You cannot combine this program with early retirement (before 65 years of age), and you cannot be taking your pension while still employed under the terms of this program.

**Pension + Salary Provisions Prior to Age 71:** Under the QPP, you are permitted to activate your pension, once you are 65 years old, without retiring and while still collecting your normal salary. This will not be permitted under the UPP. If you are already 65 years old on 1 July 2021 when the UPP comes into effect, you will continue to have this right; if you are younger, you will lose this right upon the commencement of the UPP. If you are already collecting your pension while continuing to work full time, you will be allowed to continue to do this after the commencement of the UPP.

**Pension + Salary Provisions at Age 71:** At the end of the calendar year in which you turn 71, you have to activate your pensions (Canada Pension Plan, Employer Pensions, RRSPs) by order of the Canada Revenue Agency and as outlined in the Income Tax Act. You cannot continue to contribute to and accrue service in a pension after this date. If you continue to work at Queen’s, you can collect both your pension and your salary from this point forward and until you retire.

**Academic Leaves and Retirement:** You can take an academic leave in the final year you work at Queen’s. This is covered in Article 33 of the Queen’s-QUFA Collective Agreement. Academic leaves may also be combined with reduced work responsibilities in the VPRP.

**Long-Term Disability (LTD), Pension, and Retirement:** Should you become ill and qualify for long-term disability, the insurer will continue to pay disability income until you attain your normal retirement date, at which time you will be expected to retire from work and activate your pension; disability payments will cease. During the period of disability payments, if you so elect under the terms of the QPP, Queen’s will make both the employer’s and employee’s pension contributions based on the salary you were earning when you qualified for LTD. Under the UPP, this will be the default: Queen’s will pay all of your pension contributions (employer and employee) so that you continue to accrue service while on LTD. Your nominal salary is not adjusted while you are on LTD, so these pension credits are based on what you earned when you commenced LTD.

**Benefits After Retirement:** When you have retired from employment, you will no longer have dental- and vision-care coverage. Other supplementary medical plan benefits will be covered to 80% normal levels as long as you arrange to pay the premiums by direct debit. Premium rates can be found on the Queen’s Human Resources Web site.¹

**Note**

¹[http://www.queensu.ca/humanresources/wellness/accessibility/employee-benefits/group-insurance-benefits/premiums](http://www.queensu.ca/humanresources/wellness/accessibility/employee-benefits/group-insurance-benefits/premiums)

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**QUFA VOICES Voice Your Views!**

If you have an opinion about anything you read in QUFA Voices, send us a letter to the editor!

mayr@queensu.ca
GRIEVANCE CORNER
Occupational Health and Safety Concerns
Protect your health and safety, and know your rights during COVID-19

By Peggy Smith
Grievance Officer, UFA

Over the past few months, QUFA has received multiple inquiries from concerned Members who have been asked to provide in-person teaching in the fall. As the majority of their peers are scheduled to teach remotely for health and safety reasons during an expected resurgence of COVID-19 cases in the fall, Members are concerned about the differential treatment and their own health and safety. After making some initial inquiries, it has become clear that there are inconsistent reasons being communicated about the need to staff in-person assignments.

The Right to Know

You are entitled to know why you are being treated differently. If your program requires in-person instruction for accreditation purposes, you have a right to know how the risk is being reduced.

The Queen’s Environmental Health and Safety Department and the Return to Campus Working Groups are currently planning and implementing traffic patterns, staggered hours of work, and other safety protocols that address the public health requirements of social distancing, proper hygiene, and ventilation necessary for safe access to laboratories, offices, and classrooms. Those processes and the hierarchy of controls that have been put in place can be found online.¹

If it is simply the preference of the dean to offer some face-to-face programming, and you have a physical or mental health condition, or family obligations that require you to work off campus, the university may be required to accommodate you by allowing you to teach remotely.

Employee Rights Under the Occupational Health and Safety Act

The Right to Refuse Work or to File a Complaint with the Ministry of Labour: During the pandemic, the Minister of Labour continues to be the final authority on complaints about the sufficiency of health and safety measures put into place by the university. However, to date, neither the right to refuse work nor the right to file a complaint have been effective tools for employees during COVID-19 outbreaks in Ontario workplaces. To date, only 1 of 265 work refusals has been accepted. The Ministry will not accept a work refusal unless there is a real and present danger in the workplace at the time the refusal is initiated. Concerns about potential or future exposure to COVID-19 are not sufficient.²

The Joint Occupational Health and Safety Committees (JHSCs): Joint Health and Safety Committees play a critical role in the protection of your health and safety on campus. By law, JHSCs are made up of both worker

ON THE WEB
For More Information

For more information about occupational health and safety concerns, please see the online sources below, or contact a QUFA representative on Joint Health and Safety Committees.

Online Resources

A guidance document with basic information by the Ministry of Colleges and Universities:


Training provided by the Workers Health and Safety Centre, designated by the government as Ontario’s health and safety training centre:

- How the COVID-19 Virus infects and kills (includes other topics such as commuting, using masks, etc): https://www.youtube.com/watch?v=NFgGbEdLWFk.
- Brief infosheets on disinfection and cleaning, ventilation, and many other topics: https://www.whsc.on.ca/Resources/Publications/COVID-19-Resources

QUFA Representatives on Joint Health and Safety Committees

- Administrative Services: Shamel Addas (shamel.addas@queensu.ca)
- Arts and Science: Monika Holzschuh (monika.holzschuh@queensu.ca)
- Education: Zabe MacEachren (maceache@queensu.ca)
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and management representatives, and QUFA has representation on all committees where our Members work. The JHSC has the statutory authority to identify hazards, request information, and make recommendations to the university. Any plan to protect your health and safety, including the final plans of the Department of Environmental Health and Safety and Return to Campus Groups, must be provided to the JHSC for review and input. The JHSC also has the power to investigate and resolve employee complaints. The Ministry of Labour has developed a checklist and training specific to COVID-19 for members of JHSCs that includes inspecting ventilation systems, the use of tracking checklists, and addressing mental health issues in the workplace.

**The Role of Unit or Department Heads:** You are encouraged to bring any concern to your department or unit head, who will be involved in planning exercises initiated by Queen’s Department of Environmental Health and Safety, and in collecting information. However, as Members of the bargaining unit, Heads can help to “problem solve,” but they cannot make final or binding decisions on behalf of the university. As Queen’s employees and students move back to campus in September, it will be important that heads forward any health and safety concerns that they are uncomfortable dealing with to the JHSC for consideration. Any and all planning documents created should be approved and signed off by the dean, vice dean, or designate.

**How to Report a Concern:** The duty to provide a safe and healthy workplace is the statutory obligation of the university, and as set out above, is enforced through the JHSCs and the Ministry of Labour. If, for example, you arrived at a laboratory that required the use of personal protective equipment such as masks, and there were none available, you could first try to contact your unit head or supervisor. If you are not satisfied with the outcome, or the issue is urgent, you could bring your concern directly to your JHSC representative to request assistance in investigating the matter. If you are unable to reach your JHSC representative, you may contact one of the members of the QUFA team for assistance.

**Notes**


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FYI
Equity, Diversity, and Inclusion at Queen’s
How does Queen’s compare to other universities in promoting equity, diversity, and inclusion?

Diane Beauchemin
Equity Representative, QUFA

Since I included in the February 2019 issue of QUFA Voices excerpts from a departmental seminar by Prof. Lisa Willis about the gender gap in sciences and engineering, I have been curious about the situation at Queen’s. I decided to make this my last task as outgoing Equity Representative.

I looked at the Web sites of 30 departments (including all Science and Engineering departments) and counted the number of women, men, and racialized (non-white in my eyes) faculty. Adjunct, emeritus, and cross-appointed faculty were excluded, but tenured or tenure-track faculty shared by departments were counted in each department (as I could not keep track).

Although this analysis is not perfect (I may have counted faculty who do not consider themselves visible minorities), I did it consistently. Figure 1 shows the resulting fractions of women and racialized faculty in each department. To facilitate comparisons, I grouped the departments into sub-groups. Some of the Sciences offer Engineering programs, notably Geological Engineering and Engineering Physics, which are included in the names of those departments.

As can be seen in Figure 1, gender parity generally does not exist in Sciences and Engineering, with a female fraction ranging from 19% (Department of Physics, Engineering Physics, and Astronomy) to 44% (Department of Geology and Geological Engineering) in the Sciences, and from 16% (Department of Mechanical and Material Engineering) to 30% (Departments of Chemical Engineering and of Mining Engineering) in Engineering. Similarly, Biomedical and Molecular Sciences (BMS), Business, Economics, and Classics have significantly more men than women. On the other hand, Nursing, Rehabilitation Therapy, and Gender Studies have many more women than men. Nonetheless, in general, gender parity is more likely to exist in Health Sciences, Social Sciences, and Humanities than in Sciences and Engineering. Of the 30 departments covered, only three (Kinesiology and Health Studies, Psychology, and Sociology) have exact gender parity, although Political Studies and Languages, Literatures, and Cultures (LLC) have just barely surpassed it. Only two departments (Medicine and Public Health Studies) have close to gender parity and match the Canadian population in terms of visible minorities.

Geology and Geological Engineering as well as Classics do not have any racialized faculty. In contrast, the fractions of racialized faculty in Computing, Mathematics and Statistics, and Electrical and Computer Engineering exceed the percentage of Canadians who self-identify as visible minorities (22.3% in 2016). The Henry Report\(^1\) noted that 5% to 17% of faculty are racialized. This supports a previous study pointing out that Brendan, Greg, Emily, and Anne are generally more employable than Tamika, Aisha, Rasheed, and Tyrone.\(^2\)

However, the Canadian population is not necessarily reflected in the pool of candidates for faculty positions because attrition is not uniform. This is demonstrated in Figure 2, where estimates from the Natural Sciences and Engineering Research Council (NSERC) show that the attrition rate is greater for women than for men. Although there is gender parity at the end of high-school, the number of women getting a university degree drops faster than...
that of men as the level increases, constituting only 32.5% of Ph.D. graduates in the end.

This translates into fewer publications by women than by men, as clearly shown in Figure 3. In fact, extension of the dashed trend lines in Figure 3 indicates that, if nothing changes, parity will still not be reached by 2045. Sadly, the COVID-19 crisis caused a change in the wrong direction, as a further decline in the number of publications by women occurred. Women with young children were most impacted by daycare and school closures, as they are usually the primary caregiver at home.

As can be seen in Figure 4, the gender gap is also evident in the media. In this case, sources in all fields were considered, not just in Sciences and Engineering. Yet, only 23% to 34% of sources over the last 1.5 months were women. In case this was due to COVID-19, I also checked the same period last year: 20% to 32% of sources were women. The fact that the fraction did no go down with COVID-19, and even slightly increased, may indicate a small progress towards parity. This may be the result of the work of Informed Opinions, a group founded by Shari Graydon who aims to amplify women’s voices for a more democratic Canada. They have created an ever-growing database of female experts to help journalists, producers, and conference planners find the female expert sources, guests, and speakers they respectively need.

In any case, given that only 11 out of 30 departments have gender parity or close to it, and only 7 out of 30 match or exceed the Canadian population in terms of racialized faculty, there is clearly still work to be done to make Queen’s more equitable, diverse, and inclusive. A bottom-up (rather than top-down) approach is required to rectify the situation. Every QUFA Member, especially if serving on an appointments committee, should make a conscious effort to avoid unintentional bias. If, like in Chemistry, the quality of applications is exceptional, then a woman or racialized person making the short-list would be a worthy hire, even more so when considering that such a candidate likely had to fight misogyny and/or racism on the way and still performed similarly to their white male counterparts.

Although there is still room for improvement, the situation has improved since I started at Queen’s in 1988. In Physics, there was only one female faculty, and there are now six. I was the third female faculty hired in Chemistry, and the department was larger back then. Now, it has seven female faculty (this number would normally have been nine if it had not been for the unexpected recent passing of two colleagues). It is one fewer than at my alma mater, l’Université de Montréal, where there was not a single female faculty in Chemistry during my entire undergraduate and graduate studies. However, that department being substantially larger, our current 27% female faculty actually beats their 22%. Similarly, the seven female faculty in the Chemistry department at the University of Alberta only constitute 18% of their faculty complement. Although my department is better than at other institutions, 32 years to reach this stage is not exactly the speed of light!

Let us hope that it will not take another 32 years to reach gender parity in Sciences and Engineering.

Notes

2Bertrand and Mullainathan, American Economic Review, 2004
3http://informedopinions.org

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