



QUFA VOICES

Your Queen's University Faculty Association Newsletter

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PRESIDENT'S VOICE

Supporting a Healthy Workplace

QUFA continues to press the university to ensure all members of the Queen's community have a safe and healthy campus workplace

By Jordan Morelli
President, QUFA

Happy New Year! The year 2021 did not end the way anyone was hoping. Many of us are just emerging from the chaos of deferred exams while also trying to manage the pivot to remote instruction for the first half of the winter term. It is important that we take time to recognize all that we have managed to do in spite of these challenging circumstances. It is equally important to make sure that we take time for our own wellness. Please don't isolate yourself. Reach out to a friend or colleague if you need help coping, and consider checking in on colleagues you would normally see in the hallway outside your office.

As I have mentioned in previous articles, the university has a duty under the Occupational Health and Safety Act (OHSA) to take all necessary steps to provide its employees with a safe and healthy

QUFA IMAGES

Value Our Work



Rebecca Hall

This past November, PSAC 901 members gathered for a Value Our Work rally on campus. QUFA stands in solidarity with our teaching-assistant colleagues as they continue to bargain for better mental health supports, anti-racism training, and sexual violence prevention training.

workplace. To this end, QUFA has been supportive of the university's vaccine policy and masking policy. QUFA has been lobbying the university to make the use of higher quality masks such as medical or N95 masks a requirement once we return to in-person activities, and not to

allow ineffective masking options such as bandannas and scarves, and the university is moving in this direction. Given that the university's plan to return to in-person activities on 28 February continues to rely on an exemption from physical distancing requirements, this is

ANNOUNCEMENT

Benefits Deadlines

Childcare Support Plan: The deadline to submit an application is **1 February 2022**. More information and the application form can be found on the Human Resources Web site:

<https://www.queensu.ca/human-resources/total-compensation/employee-benefits/childcare-support-plan>

Fund for Scholarly Research, Creative Work, and Professional Development (Adjuncts): The deadline to submit an application is **7 February 2022**. More information and the application form can be found on the Faculty Relations Web site:

<https://www.queensu.ca/faculty-relations/queens-university-faculty-association-qufa/professional-support-programs/fund-scholarly-research-and>

Tuition Support Plan: The deadline to submit an application is **28 February 2022**. More information and the application form can be found on the Human Resources Web site:

<https://www.queensu.ca/human-resources/total-compensation/employee-benefits/tuition-support-plan>

especially important, particularly in light of the high transmissibility of the omicron variant of the COVID-19 virus. These conditions also point to adequate ventilation in our classrooms and offices as another key layer of protection against the virus.

QUFA has been working hard to get the university to take ventilation seriously. We filed a grievance in the summer and reached a mediated settlement in September in which the university agreed to measure the ventilation in classrooms, teaching labs, libraries, and shared office spaces across campus. Until recently, the university remained unwilling to commit publicly to a particular standard as to what constitutes adequate ventilation. Through continued dialogue, the university and QUFA recently agreed that a minimum ventilation standard of 5 equivalent air changes per hour (eACH) would be adopted in all classrooms and teaching labs at Queen's. This standard is based on a study from Harvard University.¹ The university has committed to measuring the ventilation in classrooms in which its estimates indicate that the ventilation is below 5 eACH, and to taking remedial action in areas where it is found to be below this standard. This is a big step forward, and we commend the university for adopting it, and demonstrating a commitment to the health and safety of students, staff, and faculty. It remains unclear if this standard will only be in force while we remain under pandemic restrictions, or if Queen's will continue to

recognize the importance of indoor air quality and agree to abide by it in the longer term. QUFA has requested that the university implement a process by which employees may request measurements of the ventilation in their workspaces, particularly those which are shared with others. While QUFA is pleased with the progress made on the ventilation front, there remain many areas across campus where QUFA Members work that have had the ventilation neither measured nor even estimated.

QUFA's newest staff member, John Rose (many of you may know him as JR), has created a Health and Safety tab on the QUFA Web site² with important information and links on how to address any health and safety concerns you might have. Thanks JR, and welcome to the QUFA team.

If you do have questions or concerns about health and safety in the workplace, please feel free to contact me or QUFA Grievance Officer Peggy Smith (smithpe@queensu.ca).

Notes

¹<https://schools.forhealth.org/wp-content/uploads/sites/19/2020/08/Harvard-Healthy-Buildings-program-How-to-assess-classroom-ventilation-08-28-2020.pdf>

² <https://www.qufa.ca/hs/>

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QUFA Voices publishes QUFA-related news and information for QUFA Members and provides QUFA Members with a forum to express their QUFA-related ideas and opinions. We want to hear from you! Please send your QUFA-related story ideas, news items, opinion pieces, letters to the editor, photographs, and other submissions to the editor.

QUFA Voices is edited by Robert G. May. He can be reached at mayr@queensu.ca.

EXECUTIVE DIRECTOR'S VOICE

Annual Reporting of COVID-19 Impacts

How should QUFA Members report the impacts of the pandemic on their research, teaching, service, and overall?

By Leslie Jermyn
Executive Director, QUFA

As you know, QUFA Members are expected to complete their annual reports for 2020 and 2021 this year. As we've also noted in previous issues of *QUFA Voices*,¹ Members are expected to report any and all pandemic impacts on their teaching, research, and service in order to receive consideration for any negative outcomes. In conversations with Members, it has become clear that some are unsure of how to talk about these impacts, while others are at a loss to recall all the ways the pandemic has affected them over these two years. To help with this, we are publishing a list derived from one that the University of Western Ontario Faculty Association developed for their members and generously shared with us. We have modified it to be relevant for the Queen's context.

Important Note: This list is not exhaustive. There may be other impacts unique to your situation that you may want to report. It is also not directive. You do not have to report on every aspect of work listed below. It is meant only to help you remember the many ways the pandemic has altered the conditions under which you engage in teaching and mentoring, scholarly and creative activity, and service.

Research Impact

In assessing pandemic impact on your research, scholarly, and creative activity, consider whether any of the following affected you:

- Access to research facilities (e.g., research labs, studios, animal facilities, performance spaces, human participants, archives, libraries, field sites, etc.) that I run or require were significantly reduced or eliminated.
- There was irreplaceable loss of data (e.g., owing to the loss of research subjects, supplies, field seasons, travel, etc.).
- There was significantly less time available for preparing manuscripts or other scholarly work for submission.
- Other scholarly output (e.g., patents, technical reports, case studies, etc.) was negatively impacted.
- Disruptions to collaborative work led to significant delays in research.
- I had to alter my research programme or plans to address COVID-19-related restrictions substantially.
- There were delays in applying for grants, contracts, and/or other sources of funds.
- My research was significantly delayed and/or curtailed owing to interruptions in human or animal ethical training, human or animal ethical approvals, and/or other permitting agencies.
- Invited presentations at conferences, colloquia, professional meetings, performances, exhibitions, etc. were cancelled.
- Contributed or reviewed presentations at conferences, professional meetings, performances, exhibitions, etc. were cancelled.
- My sabbatical research plans were cancelled, disrupted, delayed, or altered.

Teaching Impact

In assessing pandemic impact on your teaching and supervisory work with students, consider whether any of the following affected you:

REMINDER Biennial Reports

This year's biennial reports are due on **1 March 2022**, a month later than usual. You will submit reports for 2020 and 2021 in this round.

Please remember to report any negative impacts to your teaching, research, or service from the pandemic emergency. Such impacts may derive from interruptions to public services, travel, mode of course delivery, family health and well-being, or other criteria.

FACULTY OF ARTS AND SCIENCE
ANNUAL REPORT OF FACULTY MEMBER TO THE DEAN

DEPARTMENT/SCHOOL: _____ NAME: _____
RANK (in year reported): _____ YEAR UNDER REVIEW: 2021
ON LEAVE: Date: _____ (Specify type: _____)

This form satisfies Article 36.3 of the current Collective Agreement between Queen's University and the Queen's University Faculty Association (QUFA). The report and responses provide an important document to the Department and to the Faculty Office. Please use this form for completed form given for reporting on completion of each cycle of work, as having should be done.

You may report how any of the following challenges, attributable to the COVID-19 Emergency, has impacted your performance of academic responsibilities (i.e. involvement in an appropriate combination of Teaching, Research and Service) in calendar year 2020 and/or 2021. The University shall give due consideration to reports of temporary alterations in the distribution of your academic responsibilities, altered facilities and support provided to you by the University, altered availability of public and private services, altered circumstances affecting your research. Specifically regarding evaluation of Teaching performance, members may submit relevant information, such as a teaching dossier and the results of a Member Career Survey (Article 29 of the Collective Agreement), in addition to any student survey data (i.e. USAT or QSEET). Please use your common sense here.

TEACHING: _____ (Specify) _____ OTHER (Specify): _____
LEARNING: _____ (Specify) _____
ARTICLE 36.3.2a
Please Note: USAT forms are used to supplement information provided by the faculty member on this form and in any teaching dossier submitted. It is unnecessary for individual faculty members to submit their USAT forms since these are supplied to the Dean by the Registrar's office.

COURSES TAUGHT (Last Undergraduate Course First)

Course No.	Half/Fall	Term	Total Enrolment	% Year Instruction	New Preparation/Remarks

- I worked significantly with the Centre for Teaching and Learning and/or ITS to adapt my courses for online delivery.
- I redeveloped courses for emergency remote teaching.
- I significantly adapted course assessments (e.g., exams, assignments, etc.).
- I significantly adapted labs, field assignments, experiential learning, clinical practica, studio teaching, etc.
- I added contact hours (e.g., additional sections with lower enrolments, multiple sections across time zones, synchronous student support sessions, etc.).

GET INVOLVED!

Nominations Are Open

Get involved with your faculty association! Nominations are now open for the following vacant positions on the QUFA Executive Committee:

- Treasurer
- Secretary
- Chair of the Grievance Committee
- Joint Chair of the Committee to Administer the Collective Agreement
- Equity Representative
- Continuing Adjunct Representative
- Member at Large (one of two positions)
- Library and Archives Representative (appointed by QULA)

In addition, the position of QUFA Vice President is currently open. It would normally be filled in odd years for a two-year term of office leading to the Presidency. Last year, Laeeque Daneshmend agreed to step in as interim VP, but he cannot continue past this year and will not be taking up the Presidency in 2023. We are seeking a candidate who is interested to serve as VP for a year and who would then continue on as President of the Association.

Finally, we are seeking someone to take on the advisory role of Health and Safety Officer (HSO). This is normally a three-year term. Monika Holzschuh (monika.holzschuh@queensu.ca) has served two (very busy) terms as HSO—QUFA thanks her for her service!—and she would be happy to tell interested candidates more about this important position.

If you are interested in joining the Nominations Committee or standing for election, or if you know of someone who might be interested to serve in either capacity, please get in touch with Interim Vice President and Chair of the Nominations Committee Laeeque Daneshmend (laeeque.daneshmend@queensu.ca) or Executive Director Leslie Jermyn (jermynl@queensu.ca).

- I managed a hybrid classroom (combining in-person and online students) and/or shifted from face-to-face to remote delivery mid-term.
- I experienced heightened demands of TA supervision (with changes in mode of delivery, safety, consultation, etc.).
- I responded to heightened student concern and anxiety across all channels.
- I engaged in significant management of student accommodations.
- I responded to significant undergraduate anxiety related to the pandemic.
- I responded to significant graduate advisee anxiety related to the pandemic.
- I assisted graduate students in restructuring their research.
- Owing to pandemic risk and uncertainty, my capacity, availability, and/or opportunity to work with new domestic and international advisees was severely limited.

Service Impact

Consider impacts on the following kinds of service work. Was the work deferred, delayed, decreased, or increased as a result of the pandemic?

- Participation in the work of the university through membership on departmental, faculty, senate, university, or association committees.
- Activities in any administrative appointments held within the university.
- Activities external to the university relevant to Academic Responsibilities in the area of Service.
- Other significant activities relevant to Academic Responsibilities in the area of Service.
- For Indigenous scholars, activities related to maintaining relationships, responsibilities, and commitments to Indigenous communities, including communities of interest and/or their Nation.

Overall Impact

Overall, was your work negatively impacted by conditions stemming from COVID-19, such as:

- Poor home-working conditions (including no separate space, distraction from household members, poor quality or lack of essential hardware and/or software and Internet access, poor ergonomics, etc.).
- Additional caregiving and/or home-schooling responsibilities.
- Illness (physical or mental) and/or heightened mental anxiety, stress, sense of loss, etc.
- Bereavement.

Note

¹<https://www.qufa.ca/wp-content/uploads/2021/11/102-QUFA-Voices-Nov-2021.pdf>

Leslie Jermyn can be reached at jermynl@queensu.ca.

FYI Decarbonizing the UPP

At the QUFA Fall General Meeting, QUFA Members voted by a clear majority to decarbonize the University Pension Plan

By Leslie Jermyn
Executive Director, QUFA

At the QUFA Fall General meeting, the following motion was carried by a clear majority:

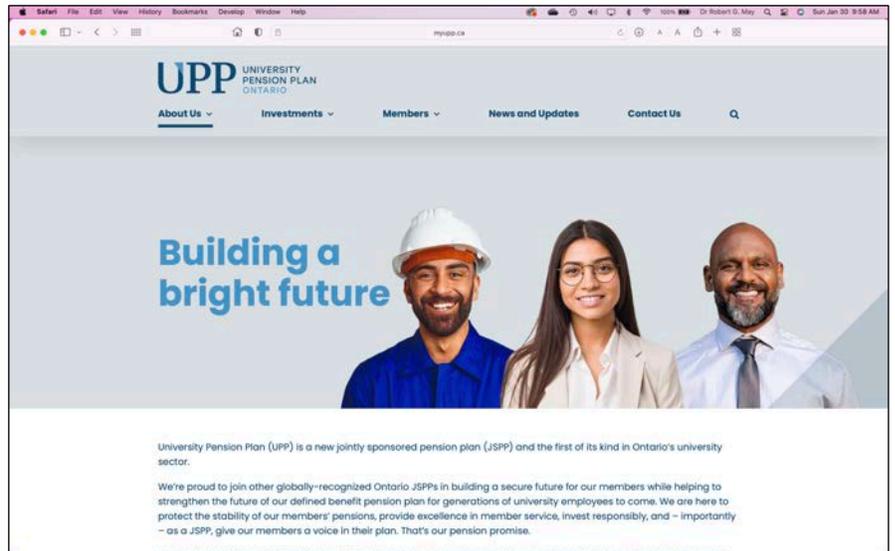
Motion: In the context of the internationally recognized climate emergency as signalled at COP-26, we move that QUFA advocate for the adoption of a comprehensive, Paris-aligned plan for a just transition, involving divestment from fossil fuels and reinvestment in green industries, to achieve decarbonization of the UPP [University Pension Plan] portfolio by 2050.

Thanks to Marcus Taylor (DEVS) and Kyla Tienhaara (ENVS) for bringing this motion forward.

We communicated this resolution to the CEO and Chair of the Board of Trustees of the UPP, Barb Zvan and Gale Rubenstein respectively, and received the following response from them via e-mail:

Thank you for sharing this important and timely motion with us. We welcome this input from QUFA and will take this motion into serious consideration as we receive and gather feedback from our broad member community on this critical issue.

Action on climate is integral to UPP's mission to deliver a stable, secure pension and to promote a just, sustainable society and economy in the service of our members' long-term interests. Since UPP's launch this past July, we



UPP Ontario

QUFA members can receive updates and invitations to attend information sessions or to participate in University Pension Plan member feedback surveys by subscribing on the main page of the UPP Ontario Web site: <https://www.myupp.ca/>

have worked to lay our initial responsible investment foundations, for example by developing our inaugural Responsible Investing Policy, becoming a founding participant in Climate Engagement Canada, and signing the Canadian Investor Statement on Climate Change. The latter includes a commitment to develop a climate action plan to support the global goal of achieving net-zero emissions by 2050 or sooner, which aligns with the commitment in our Responsible Investing Policy to set climate science-aligned targets to reduce our portfolio emissions profile.

We share QUFA's ambition to align UPP's investments and actions with the need to rise to the climate emergency and support a just transition to a net-zero world. Early in the new year, we will outline for members a clear roadmap and timeline for the formal adoption of UPP's climate commitments, targets, and strategies. We firmly believe that commitments and targets must be backed by clear and achievable plans, and we believe

our members deserve that level of transparency. Further, we believe that member feedback is essential to the design of these strategies. That is why, as part of our roadmap, we will engage members early in the new year on Responsible Investing through a member survey as well as forums for live feedback and discussion. We look forward to working with you to support QUFA's participation in this process.

We are grateful for QUFA's continued engagement and for helping advance this critical discussion.

You can receive updates and invitations to attend information sessions or to participate in member feedback surveys by subscribing on the main page of the UPP member Web site.¹

Note

¹<https://www.myupp.ca/>

Leslie Jermyn can be reached at jermynl@queensu.ca.

FYI

Your IP Rights and Teaching Materials

QUFA Members own full copyright on the intellectual property they create, and the university must respect that copyright

By Leslie Jermyn

Executive Director, QUFA

QUFA Members enjoy full ownership rights over intellectual property (IP) they create in the course of their employment at Queen's or that they create using university facilities or resources (see Article 16 of the Collective Agreement (CA) for full details). This right is unusual with respect to other workplaces where employees' work product is normally owned by the employer: it is this work product that people are paid to produce for the employer's benefit in most workplaces. This article explores how this unusual right operates around intellectual property, mainly copyrights, created in the course of teaching.

Members own the copyright on teaching materials (lectures, lab manuals, assessments, slides, videos, etc.) they create. While the Member-creators are engaged in teaching students, they permit students and others access to these materials. Most faculties instruct Members to clearly assert their copyright over syllabi and other materials they make available to students.

There are a couple of things to note at this point:

1. Exclusive Member ownership of course material means that Members are on the hook to defend those rights. If a third party infringes a Member's copyright, the university will not usually prosecute for copyright infringement because they are not the owners.

2. Members don't own content they incorporate from other sources (e.g., articles, books, films, etc.) or a topic (e.g., the French Revolution); they own their independently created materials, such as the lectures or assignments they create to convey this content.

When a Member who created the course is not offering it, their copyrighted materials cannot be used in course delivery without the creator's express permission. In other words, the university could not just open the course Web page to students and have another instructor step in to offer the course in the same way without the original Member-creator's permission. The university could assign the course topic to another instructor, who would be expected to bring their own syllabus, lectures, assignments, and other materials to the course.

With regard to online courses, QUFA negotiated explicit contract terms to cover the rights of course authors and revisers (see Appendix S of the CA). In other situations, Members may enter into individual contracts to convey rights over teaching materials if they choose.

One common situation in the sciences is the creation and modification over time of standardized laboratory manuals that attach to courses (usually required for introductory courses) rather than to instructors. Each generation of instructors may refine or amend the manual, and pass it on for others to use in the future. *This practice is fine as long as the creator or modifier of the manual agrees that their work can be used and modified by other instructors.*

Where Members are asked to create something substantially new for future use by others, they should have a clear understanding of their IP rights, and they may want to negotiate separate fees for conveying



Unsplash / Lauren Mancke

QUFA Members should clearly assert their copyright over syllabi and other materials they make available to students. Members are responsible for asserting and defending their intellectual property rights against infringements of copyright.

their copyright to the university. The language developed for online course development may be helpful here.

In all cases, the mere assignment of work (i.e., "teach course X" or "develop two new test sets for component Y") is not an implicit conveyance of Member's IP to the university. In all cases where the university is expecting to have future rights over the Member's work product, there should exist a separate agreement (i.e., not the workload assignment or the course contract) that outlines those terms. Members, especially adjuncts, should not be coerced to sign those agreements in order to be given work they have been selected for.

While this is one of the few areas where Members are permitted and encouraged to contract individually with Queen's such that QUFA is normally not part of these conversations, don't hesitate to reach out if you need clarification or if you feel your IP rights have not been respected.

Leslie Jermyn can be reached at jermynl@queensu.ca.

QUFA PEOPLE

Engage with the Queen's Scholars at Risk Committee

The Queen's Scholars at Risk Committee advocates for academics in danger throughout the world

By Anya Hageman
Secretary, QUFA

Think back to the time you were in graduate school or professional training. You shared the gruelling workload and the underlying anxiety with students from around the world. Where are they now? Are they establishing themselves in their chosen fields, breaking new ground, educating young minds? Or are some currently unable to freely share and question ideas? Are some now prisoners of conscience?

The Queen's Scholars at Risk (SAR) Committee advocates for academics in danger. Through our parent organization, the Scholars at Risk Network, we have access to a wide variety of resources, including a vetted list of academics at risk, funding opportunities, workshops, conferences, speakers, and active learning projects on academic freedom for instructors.

The Queen's SAR Committee formed two years ago and is a group of faculty and administrators supported by the Office of the Vice Provost (International). In 2020, we sponsored mixed-media artist and academic Dr Canan Altinkas, who was graciously hosted by the Department of Fine Art together with the Agnes Etherington Art Centre.¹ Most recently, we attempted to bring an Afghan scholar to Queen's, but while preparing his support in the Faculty of Engineering and Applied Science, the scholar in question found a position at a European university.



Hasan Jamali

Retired professor of mechanical engineering Dr Abduljalil Al-Singace, pictured here in 2009, is currently on a hunger strike from a Bahrainian prison. He is one of the many scholars at risk throughout the world for whom Queen's SAR advocates.

The learning curve is not smooth. We've had to consider anonymity, autonomy, immigration, and how to make the time spent in Canada most valuable for the scholar.

We encourage our colleagues to get involved by sharing your thoughts and ideas, providing names of scholars at risk, assisting with visits, adding academic freedom content to your lectures and assignments, joining our mailing list, or helping to build our social media presence. Engage with Queen's SAR by visiting the Office of the Vice Provost (International) Web site² or by e-mailing the Queen's SAR Committee at global@queensu.ca with the subject line "Scholars at Risk." You can also follow the Scholars at Risk Network on Facebook.³

consists of Susan Bartels, Susan Brodt, Eva Bruketa, Karen Burkett, Colleen Davison, Laura Esford, Anthony Goerzen, Anya Hageman, Reena Kukreja, Thashika Pillay, and Fahim Quadir.

Note

¹<https://www.queensu.ca/gazette/stories/threatened-artist-and-academic-creates-new-life-her-family>

²<https://www.queensu.ca/provost/office-vice-provost-international>

³<https://www.facebook.com/scholarsatrisk/>

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The Queen's SAR committee currently

LETTER TO THE EDITOR

Whose Security?

Academic Freedom and the
Securitization of the Academy

David Murakami Wood

Associate Professor, Department of
Sociology

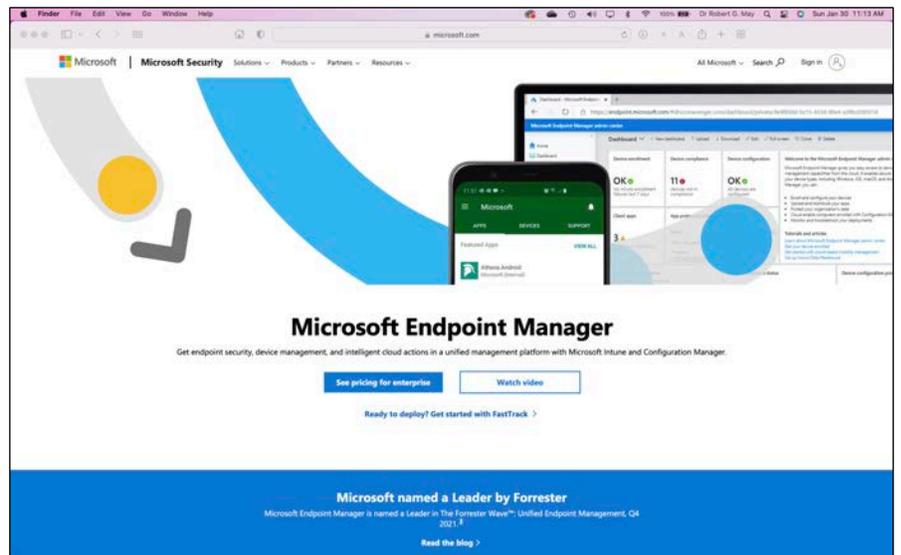
Director, Surveillance Studies Centre

QUFA Voices welcomes letters to the editor about anything QUFA Members read in QUFA Voices, or on any topic that may be of interest to QUFA Members. Please send your letter to mayr@queensu.ca. The opinions expressed in letters to the editor are those of the authors, and they may not necessarily reflect the opinions of QUFA Voices, QUFA Council, or the QUFA Executive Committee.

Academic freedom is under direct attack in many parts of the world. Canada has often seemed immune to this, but we should not be complacent. Academic freedom in Canada is under threat not from an obvious direct attack, but indirectly from a source which presents itself as “for our own good”: security.

Two important examples present themselves: the first of these is the rise of the concept of “research security.” This has its immediate origins in a report to the U.S. National Science Foundation (NSF)¹ in the United States from the JASON group, a shadowy Cold-War-founded advisory body to the U.S. government on defence and national security. This report recommended ensuring that academic research projects were free from “foreign influence” and compatible with national security interests.

Now, Canada, as a junior “second party” in the Anglophone “Five Eyes” intelligence alliance,² has imported this idea: Public Safety Canada had this made mandatory for all educational establishments in mid-2021.³ Even if we have not seen it



Microsoft

Queen’s ITS will require so-called “Endpoint Protection” to be installed on all devices—whether university-owned or private—that access certain crucial parts of the Queen’s network by 31 January 2022. Letter-to-the-Editor writer David Murakami Wood argues that this mandate creates numerous potential academic freedom and other issues.

mentioned at Queen’s yet, all Canadian universities are establishing “research security” bureaucracies and appointing senior officials to oversee them.

Clearly, there are national security issues in particular tightly defined defence-technical fields. But the idea that academic research in general needs to be subjected to an additional layer of obstructive, non-academic national security scrutiny in addition to the many existing financial, methodological, and ethical checks is contrary to fundamental principles of scholarship: openness, international cooperation, the free exchange of knowledge, and the promotion of understanding.

The second example concerns the way “cybersecurity” or “network security” has become a vehicle for the increasing control of the academy by technology companies. Universities like Queen’s rely on companies like Microsoft to manage increasingly large portions of their computing networks. When this began, many of us were concerned not only because

Canadian data would be stored in the U.S., but also because of inevitable pressures to change working practices because of system demands. We were assured by Queen’s ITS that both fears were groundless, but it is now clear we were correct.

Canadian universities using the Microsoft Azure cloud⁴ and Office 365⁵ platforms are now deploying their new cybersecurity system called “Endpoint Protection,”⁶ which from 31 January 2022 is required to be installed on any device, whether university-owned or private, to access crucial parts of the Queen’s network, including HR services and PeopleSoft. It is presented as a simple security measure but, while it does not permit “reading” of your private data, Endpoint does allow Queen’s ITS to map, to analyse, and ultimately to wipe hard disk drives remotely. And although in theory we do not have to register a private computer, because access to these systems is now essential for academic teachers and researchers to do their jobs, in practice there is no way to opt out. This is further complicated by the fact

that Queen's ITS is unilaterally using a "working definition" (in other words, Microsoft's American corporate definition) of what constitutes a "Queen's-Owned Device" (QOD) and a private device. But no such distinction or definition is recognized in the Collective Agreement.

The deployment of Endpoint without open discussion, as a simple and unquestionable technical security measure, fundamentally breaches the internationally recognized data-protection norms of necessity, proportionality, and informed consent. This criticism of Endpoint is in line with the findings of an expert report for the Dutch Ministry of Justice⁷ on another Microsoft cloud management system, Intune,⁸ which works in broadly the same way as Endpoint. What's more, use of cybersecurity systems like Intune or Endpoint threaten to reduce the freedom, and indeed the security, of academics, who can never be entirely sure that their sensitive or research data won't be destroyed by the mistaken or deliberate action of a university technician or by Microsoft itself. If there is an iron law of surveillance systems, it is that they are abused at every level, from CCTV control rooms⁹ to the operations centres of the top intelligence agencies.¹⁰ This system might be presented as a security measure for universities, *but it is a security threat to scholars.*

Both "research security" and this version of "network security" are the imposition of American ideas, in this case corporate rules about "acceptable use" and device management, onto Canadian institutions. Whether or not one thinks of either of these particular plans as significant in themselves, it is the trend they represent that is so important. Here we see a reversal of the normative basis of Canadian society, that human rights should be fundamental and that other priorities should support them. Instead,

"security" is assumed to be fundamental, and academic freedoms and human rights must fit in or be lost. That is quite simply wrong. We need to challenge both concepts when they are presented in de facto ways, to ask that non-intrusive ways of necessary security goals are prioritized, and to question "requirements" from any level of government from the university management to national levels that diminish our privacy and freedom in the name of security.

Notes

¹https://www.nsf.gov/news/news_mm.jsp?cntn_id=299700

²<https://ukdefencejournal.org.uk/the-five-eyes-the-intelligence-alliance-of-the-anglosphere/>

³<https://christopher-parsons.com/canadian-national-security-assessment-rules-endanger-scholarly-research/>

⁴<https://azure.microsoft.com/en-ca/>

⁵<https://www.microsoft.com/en-CA/Microsoft-365>

⁶<https://www.microsoft.com/en-ca/security/business/microsoft-endpoint-manager>

⁷[https://t.co/fLpX7UIIMDS \(.pdf\)](https://t.co/fLpX7UIIMDS (.pdf))

⁸<https://partner.microsoft.com/en-us/solutions/microsoft-intune>

⁹<https://doi.org/10.2747/0272-3638.23.3.257>

¹⁰<https://www.wired.com/2013/09/n-sa-stalking/>

David Murakami Wood can be reached at dmw@queensu.ca.

GRIEVANCE CORNER Managing Student Accommodations

What do QUFA Members need to know about managing student accommodations?

Peggy Smith
Grievance Officer, QUFA

Background: The Ontario Human Rights Code

The Ontario Human Rights Code (OHRC) requires accommodation of both physical and mental disabilities, regardless of whether the disability is permanent, temporary, or episodic. The legal responsibility to accommodate is placed squarely on the university and limits the assessment of undue hardship to three factors: costs, health, and safety and sources of outside funding.

The Human Rights Commission has published some guidance on how to achieve a barrier-free education for students with disabilities in the postsecondary education sector.¹ Although Commission policies are not law, the OHRC encourages advocates to rely upon the policies in legal proceedings, and therefore are a good indication of how your rights will be interpreted and applied.

The Commission takes the position that, in addressing undue hardship, the costs of accommodation must be evaluated based on the budget of the organization, and not the budget created for the office from which the request for accommodation arises. The policy clearly states:

the ultimate standard for cost is whether there are quantifiable costs related to accommodation that are so substantial that they would alter the essential nature of the entire enterprise, or so significant that they would substantially affect its viability.

The Commission also takes the position that academic freedom is unrelated to the duty to accommodate and will not be considered as a defence to an allegation of a failure to accommodate students with disabilities. However, the Commission's policy confirms that the use of an appropriate accommodation should not interfere with the professor's right to maintain the academic integrity of their program, including setting the curriculum and standards for success. The focus of the accommodation should be on altering the way that a student is required to demonstrate the required knowledge; for example, by offering an oral vs written assessment, or by being given extra time to complete an exam. The professor cannot be told to pass a student who does not meet the set standard.

Difficulties with the Process

The accommodation obligations set out by the Tribunal are understood and widely accepted by QUFA Members. However, over the past two years, QUFA has received an increased number of inquiries from Members arising from poor communication and a lack of coordination and support from the university with respect to managing and implementing student accommodations. The university has simply not invested in sufficient staff or resources to manage the workload. Rather than adding the administrative staff necessary to address the increasing demand from the student body for accommodation services, the administration of the policy has shifted to QUFA Members.

QUFA Response

In spring 2020, the Student Accommodations Working Group (SAWG) was struck with a mandate to identify the procedural and resourcing gaps that are having an adverse impact on our Members in three

areas: (1) workload, (2) our Members' responsibility to maintain a positive learning environment for students, and (3) the ability of our Members to evaluate students in an equitable manner while maintaining the academic integrity of their course.

In February 2021, SAWG submitted a list of recommendations to the JCAA. Discussions have been ongoing and positive. Queen's recently hired Alan Jeans as the new director of Queen's Student Accommodations. Alan attended the June 2021 meeting of the JCAA, and advised QUFA of new resources being acquired and new processes being developed for the 2022-2023 academic year. QUFA is hopeful that these initiatives will result in a significant improvement to the student accommodation process in the future.

QUFA Members can also take some comfort in knowing that the workload and other concerns they have about implementing and addressing the individual needs of students with appropriate accommodations is an issue that is currently being reviewed at most postsecondary Institutions.

Legal Risks for Members to Avoid

While the university and SAWG continue to work to address the gaps in the process at Queen's, QUFA Members should be aware of the following legal traps in their dealings with students in the accommodation process:

- The university is required to have an accommodation policy in place that is clear and accessible to all students. As an employee of the university, you are delegated the task of implementing the accommodation plans and are in fact an integral piece of the plan.
- If the instructions are not clear, or you have concerns about the impact of the plan on the academic integrity of your course,

do not attempt to fix it yourself. Contact QUFA immediately for advice and assistance.

- Avoid taking any steps that suggest you are the decision maker, or you could become named in a human rights complaint with the university if the accommodation fails to meet their legal obligations.
- Do not second-guess the accommodation based on your assumption of the nature of the student's disability.
- Do not ask for or accept medical information from the student.
- Do not become a mental-health counsellor. Direct all students to the Student Wellness Centre or the Student Accommodations Office if you are approached for assistance.
- Frame your concerns in the context of the Commission's policy above. Focus on your right to protect the academic integrity of your course rather than your academic freedom, to avoid being accused of a failure to accommodate or possible insubordination.

We look forward to hearing from you on this issue, and to working with you to clarify and address any concerns. Please contact either me or QUFA President Jordan Morelli for assistance. Your concerns are important, and the issues will also be shared with the SAWG team for action on an anonymous basis.

Note

¹<http://www.ohrc.on.ca/en/opportunity-succeed-achieving-barrier-free-education-students-disabilities/post-secondary-education>

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