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PRESIDENT'S VOICE

The Erosion of Collegial Governance at Queen's

Collegial governance is crucial to the functioning of the university, but it is clearly undervalued by the Administration

By **Jordan Morelli**
 President, QUFA

As a union, QUFA has the responsibility to represent faculty, librarians, and archivists in matters involving terms and conditions of employment as outlined in our Collective Agreement (CA) with the university. Collegial governance and academic freedom are pillars of academia, and are two of the main components of university life that set us apart from other professions. While academic-freedom language is enshrined in Article 14 of the CA, apart from a few ex-officio positions, QUFA does not have a formal role in collegial governance at Queen's University. It is up to individual QUFA Members to participate in collegial governance processes, for example by serving on committees, attending unit meetings, and participating in Faculty Boards and Senate. While this service is critical to the functioning of the university, it has long been undervalued by the Administration. How often have you received a merit

QUFA IMAGES

Fair Employment Week



Robert G. May

Last week (17-21 October 2022) was Fair Employment Week, a CAUT-sponsored campaign to raise awareness about precarious employment at Canadian universities among contract academic staff. Many thanks to QUFA Member volunteers such as Chantal Brunette (Term Adjunct Representative) for hosting QUFA's Fair Employment Week information table at Mackintosh-Corry Hall!

score of 12 or 15 for outstanding service contributions?

Within the Faculty of Arts and Science (FAS) there has been an erosion of collegial governance. In the September FAS Faculty Board meeting, the Dean announced that they were initiating the process for temporarily suspending admissions to

the Bachelor of Fine Art/Visual Art (BFA/VA) program. In advance of both the September and the October FAS Faculty Board meetings, a Notice of Motion was submitted to discuss substantive matters related to the proposed suspension of admissions. In September, the Chair of the Faculty Board ruled the motion out of order because, as far as they were aware,

QUFA ALERT!

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QUFA Members can get the latest information on the current round of bargaining by reading *QUFA Alert!* bargaining updates. Watch for them in your e-mail inbox, or access them on the “Bargaining” page of the QUFA Web site:

<https://www.qufa.ca/bargaining-2021-2022/>

Recent *QUFA Alert!* bulletins include:

- **Bargaining Has Begun** (23 June 2022)
- **All Substantive QUFA Proposals Have New Been Tabled** (30 June 2022)
- **Two Proposals from the University** (2 Aug. 2022)
- **The Library and Archives Issue** (8 Aug. 2022)
- **Queen’s Administration Refuses Numerous QUFA Proposals** (6 Sept. 2022)
- **Bargaining Continues, with QUFA Presenting Numerous Counterproposals** (23 Sept. 2022)
- **Focus on Equity Issues** (3 Oct. 2022)
- **What We’re Hearing from You** (13 Oct. 2022)



no such suspension of admissions was being contemplated, and therefore a motion related to such a suspension would be out of order. In advance of the October meeting, the same motion was ruled out of order, this time on the basis that it was exhortative.

As mentioned, at the September FAS Faculty Board meeting, the Dean announced that the Senate “Recommended Procedures Concerning Temporary Suspension of

Admissions to Academic Programs” were being initiated in regards to the BFA/VA program. At the October FAS Faculty Board meeting, the only discussion that was allowed on the matter was that related to the “roadmap for consultation on the temporary suspension of admissions to the BAF/VA program.” Not on the merits of the actual proposed suspension of admissions, just on the “roadmap for consultation.” The Associate Dean (Academic) advised that an external consultant had been

hired to lead the consultation and that a “fulsome” discussion of the merits of the temporary suspension of admissions would be had at the November FAS Faculty Board meeting. The Associate Dean (Academic) revealed that the report of this consultant would not be made available to FAS Faculty Board members. The Dean is expected to make their decision about the temporary suspension of admissions in late November. The Office of the Dean has not proposed any alternatives to the temporary suspension of admissions, nor has it given any indication as to what resources would be made available to implement any alternatives to the temporary suspension of admissions.

Compare this to a similar process that is currently underway in the Faculty of Engineering and Applied Science (FEAS). In FEAS, a temporary suspension of admission of the B. Tech (Mining) program is being contemplated. This process has been underway since April, and was initiated by members within the program itself. There have been months of consultation with all stakeholders.

In FAS, the entire process will be wrapped up in about eight weeks. What is happening in FAS can hardly be described as an open and transparent process, and it certainly cannot be described as “collegial governance.”

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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.

LETTER TO THE EDITOR

Why Bargaining Matters

If we do not protect our rights to bargain productively and in good faith, we will find ourselves without the ability to bargain at all

By Karen Rudie
Department of Electrical and Computer Engineering

The Editor:

As a professor in Electrical and Computer Engineering, I read with some sadness the articles in the last *QUFA Voices* newsletter and the *QUFA Alert!* bargaining updates. As I understand it, the efforts of our negotiating team at the bargaining table are not being reciprocated.

In many ways, being a tenured professor in Electrical and Computer Engineering provides me with a mantle of protection that might make a union seem unnecessary. In addition to the job security that comes with any tenured position, my particular discipline is currently (note *currently*) hot and the research well-funded, and hence colleagues in my department are not likely to worry about our discipline or department being restructured or disappearing. Moreover, many of the bargaining issues on the table appear to have little direct impact on those in my department. For example, most of us already apply for research grants, so we don't think twice about the university's proposal to mandate this activity. We don't have many adjuncts in our department, so QUFA's proposal to protect adjuncts may seem less pressing for us. At the same time, I recognize that issues come and go, and the things that matter to someone else today may matter to me—or you—tomorrow.

The strength of a faculty union is that, as Elizabeth Hanson wrote in her article in a recent *QUFA Voices*, we

are deeply invested in the mission of the organization. As a result, our employer's desire for the university to thrive meshes well with our own intellectual pursuits and career goals. This goes beyond us wanting the University to do well merely because it keeps us employed and paid—which is what distinguishes us from unions in many other sectors. If good-faith bargaining does not take place now (when monetary leverage is absent), we will lose something real in the future. As an example, let's take the University's proposal to grant itself an unlimited licence to Members' intellectual property produced for use in teaching. While I think it is safe to say that QUFA would never agree to such a proposal, the fact that the Administration has put it on the table shows a profound devaluing of the work done by professors in teaching. Such a proposed licence would mean that there is no link to our working time with the value (and compensation) placed on our work. The Collective Agreement already recognizes the link between effort required to create work material and the lesser effort of reusing your own material (in the clauses that deal with workload for teaching a new course being more work than an existing course). Once the link between the work a faculty member *does* and what value or worth that work *has* is severed, it naturally paves the way for some professors to do all the work of course creation and then other faculty members to use that work to teach classes.

Another example of a proposal made by the Administration that might not, *prima facie*, sound problematic to my fellow engineering professors is the requirement for professors to apply for research funding. While many of us in engineering need research funding to do our research anyway, there are those among us (and I can think of some in my own department) whose beautiful ideas are scholarly and contribute to the mission of the

QUFA VOICES

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university, but who do not require equipment or funding; that kind of research is what the university was built for—because otherwise, those of us in engineering could all just do industry-driven research from within industry and get paid a lot more. If Queen's were to make it a requirement of employment to have research funding, then fundamental, mathematical research would dwindle, and some richness in our field would be lost. That is not some unforeseen obscure outcome, or even merely a natural outcome, but an intended one. The message is that the University has the intention of valuing applied-science research more than fundamental science or humanities research, and that a condition for employment is for professors to be fundraisers. Note that this is fundamentally different from the shared goal of maintaining a financially healthy organization for which some of us might be happy to help the Advancement office.

Bargaining in good faith means putting proposals on the table that you can at least imagine the other side could accept as workable. However, both the aforementioned proposals by the Administration signal that the Administration wants to actually change the role that

professors have in the University. Such proposals—were they to be implemented, which to be clear would only happen in a university *without a faculty union*—send the message that professors and librarians are not scholars and experts whose expertise as researchers and teachers should be the primary resource of a university, but rather that we are workers or employees whose ideas and thoughts and creations are commodities owned by the University. This kind of bargaining also sends the message to QUFA that the Administration does not see us as partners in the mission of the University.

When I started at Queen’s there was no faculty union; we were an association but not certified as a labour union. I was on the QUFA Executive in those early days and helped QUFA to unionize—not because my job was problematic or at risk, and not because my pay was low or unfair. My job was great, the administrators I knew were likable, and my pay was excellent. But I also understood that not everyone at Queen’s was as lucky. I understood too that the bargaining issues that didn’t matter to me then as a young faculty member (to wit: pension plans) might really matter to me one day as a more senior faculty member (to wit: pension plans!). More than that, a healthy union, one that can bargain effectively with mutual respect for the other side of the bargaining table, actually *prevents* an adversarial, hostile work setting. Thankfully, that has been the case for all the years at Queen’s since we first unionized. If we do not protect our rights to bargain productively and in good faith, we will find ourselves without the ability to bargain at all, and then whatever issues you think matter to you when it comes to teaching and research won’t matter.

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HEALTH AND SAFETY Tell QUFA About Your Health and Safety Concerns

QUFA Members can raise health and safety-related issues with their Joint Health and Safety Committee representatives

**By Nicolas Hudon
Health and Safety Officer, QUFA**

Let Us Know!

We would like to encourage QUFA Members to raise any perceived issues related to safety in their work environment via their respective Joint Health and Safety Committee (JHSC) representative. Please see the process on QUFA’s Health and Safety Web site.¹ Please contact me via e-mail with other health and safety inquiries.

Get Involved!

We are looking for a QUFA Member to serve on the Faculty of Health Sciences JHSC, as prescribed by the Occupational Health and Safety Act (OHS Act). By law, the Member sitting on the JHSC must be named by QUFA Members, which prevents us from asking the Faculty of Health Sciences to appoint a representative.

More information about JHSCs at Queen’s can be found on the Queen’s Joint Health and Safety Committee Web site.² If you are interested in serving, or if you have questions about the workload associated with this committee, please contact me via e-mail.

Notes

¹<https://www.qufa.ca/hs/>

²<https://www.queensu.ca/risk/safety/general/joint-health-committee>.

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EXECUTIVE DIRECTOR’S VOICE Bargaining Timelines and Procedures

What are the next steps if an agreement cannot be made at the bargaining table?

**By Leslie Jermyn
Executive Director, QUFA**

Based on some of the questions we’ve heard from Members, I am taking this opportunity to let everyone know the “rules and regs” around bargaining in Ontario.¹

Bargaining to renew a mature collective agreement does not have a fixed end date. As long as the Parties agree, the process can happen as quickly or as slowly as the Parties wish. Some unions make it a practice always to bargain a new agreement before the old one expires; others bargain before and after expiry (as we did); or, only after expiration. In Ontario, there are “freeze provisions” that state that as long as the Parties are actively negotiating or agreeing to pause, and until there is a new contract, the terms of the old agreement will continue to apply with respect to terms and conditions of work. In case you’re wondering why this didn’t apply to salary adjustments this year, they are fixed to dates in our Collective Agreement, and there are none specified for 2022.

When one or both Parties believe that they can no longer make progress “at the table,” they can elect to ask the Ontario Labour Board to appoint a Conciliator. The Conciliator works with both sides to move them towards compromise and settlement. One difference during conciliation is that often the Parties’ Bargaining Teams stop meeting together as often or at all; more often, the Conciliator moves from “room to room” (or “Zoom to Zoom,” as the case may be) as a shuttle diplomat. This can be an advantage if communication styles or personalities were getting in the way

of finding compromise. It can be a disadvantage because nuance may be lost. It's best to work with a Conciliator when the remaining issues are quite clear cut.

Either Party or the Conciliator can decide at any time that this process isn't working and there's still no hope of getting a settlement. One or both Parties can ask the Conciliator to file for a "no board" report from the Ministry of Labour. The Conciliator may also do this if there is no movement towards getting a deal. The "no board" is strangely named based on an older practice where the Ministry could name a "Board of Conciliation" to help the Parties negotiate. A "no board" would be issued when it was clear that a board would be unhelpful. Still today, the "no board" is issued, although to my knowledge a Board of Conciliation hasn't been assigned to contract negotiations for decades.

When the "no board" report is issued by the Ministry, a 17-day cooling off period begins in which the Parties may still negotiate and may still reach a deal. The 17 days are calendar days, and at the end of this time, both Parties have the legal right to initiate job action. Job actions are not legal until these steps (conciliation, "no board," and cooling off) are taken.

"Job action" is the neutral term that covers actions that employers can take (such as lockout) and actions that employees can take (such as striking). During this new phase, freeze provisions of the old agreement no longer apply, and the employer can choose to do a number of things, including changing the terms of work, or cutting salary, benefits, and access to the workplace (lockout); they can also hire other workers to take the place of locked-out workers. On the other hand, employees can withhold their labour in a number of ways, such as work-to-rule campaigns, rotating strikes, or full strikes in which all workers withdraw their labour. The

FYI

QUFA Bargaining Timeline to Date

The Queen's-QUFA Collective Agreement expired on 30 June 2022. The Parties have met roughly 20 times since the commencement of bargaining on 14 June. Bargaining teams worked on other days on their own to review or prepare proposals. QUFA had presented all of its substantive issues by the end of June. There was a hiatus in July for three weeks, and Queen's countered on all of QUFA's proposals by the end of August. Some proposals were exchanged repeatedly during August and September, including those capturing Grievance and Discipline language, and our Librarian and Archivist proposal. By mid-September, the Parties tentatively agreed on new Grievance and Discipline language.

There has been another unintended hiatus in October because we couldn't find dates to meet. QUFA responded to the bulk of the employer's August counters by 15 September, and countered on remaining matters by 14 October. As at writing, we are awaiting responses from the Administration on all outstanding matters. There is a virtual date scheduled for 26 October, and we are hoping to meet in person in the second week of November for four days. No compensation proposals have yet been exchanged.

union needs the assent of members of the bargaining unit in order to initiate a strike action, so a strike vote is usually called before, during, or quickly following Conciliation.

During job action, the Parties can continue to negotiate, and generally do so quite intensely to end the action as soon as possible. At this point, they must agree on the terms of a new contract and agree on the terms for return to work. Sometimes, employers will take this opportunity to present an offer of contract terms to the members of the union without the assent of the union's leadership. They are allowed to do this once only, and would likely only try it if they believed their offer was actually good enough and it was only union leadership standing in the way. Union members vote on this offer by secret ballot. These votes usually fail.

When the union believes they have a tentative agreement that is either satisfactory or represents the best they can get under the circumstances, a member meeting is called to review the new terms, and all members of the bargaining unit are asked to vote by secret ballot (the ratification vote)

to accept or reject the new agreement. A failed ratification vote would normally lead to a review of the bargaining mandate and bargaining team, and would mean that the union would have to continue to negotiate. Queen's Board of Trustees is responsible to "ratify" or agree to the terms of a new collective agreement for the employer, and they could similarly refuse to do so.

A positive ratification by both members and trustees means the new contract comes into force and effect, and the Parties turn their energies to making the changes they've agreed to.

Those are the timelines and rules we operate with when bargaining.

Note

¹More information can be found here: <https://www.ontario.ca/page/collective-bargaining>

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SOLIDARITY NEWS

Beginning Job Action

The first phase of job action is making the Queen's community and the larger public aware of QUFA's legitimate concerns

By Amanda Ross-White
Chair, Job Action Committee, QUFA

Following a unanimous vote in support of the bargaining team at the QUFA meeting on Friday 7 October 2022, QUFA Members are scaling up our job action efforts. Our aims are to ensure the Administration comes to talks with QUFA prepared to have substantive discussions, rather than the disrespectful dismissal of our proposals to date.

What does job action include? In theory, job action is any action taken by members of a union (or administration!) to put pressure on the other side to change or withdraw their proposals. This can include things like public awareness, work-to-rule campaigns, strike action, and— from the administration side— lockouts. Ideally, these kinds of job action will not be necessary. However, as the adage goes, "forewarned is forearmed." If more serious job action is needed, we need to be prepared.

An expanded job action committee has been put together. Special thanks to: Scott Rutherford (Development Studies), Greg Wanless (Drama and Music), Megan Edgelow (Rehabilitation Studies), Sarah Shulist (Languages, Literatures, and Cultures), Isabelle St-Amand (Languages, Literatures, and Cultures), Sammi King (Kinesiology), Brad Weinberg (Business), Alyson Maher (Nursing), Robert G. May (English) and Virginia Sytsma (Continuing and Distance Studies).

Our initial campaign focuses on public awareness. Making sure our Members—as well as staff, students, and the whole Queen's community—

know the issues, understand our concerns, and want to see resolution is paramount. You can support this action by wearing a QUFA "Disrespected" button, adding a QUFA "Disrespected" background to your Zoom meetings, or printing and posting one of the many posters in your office, common areas of your building, and other locations on campus. You'll find more information and timely updates on the QUFA "Disrespected" Web site (see box at right).

Should further action be needed, we will keep you informed. Watch for a request for a non-Queen's e-mail address. Should a lockout or strike look possible, we will need to have a way to keep in touch that doesn't rely on the Administration's technological infrastructure. The committee has also begun looking for possible strike or lockout headquarters, and will be seeking picket captains if needed.

Just this morning, I submitted a paper for publication. I was struck by yet another example of the disrespect we are facing when asked to check a simple box: "Do you own the copyright to this work?" It reminded me of our concerns in these negotiations. If the administration is allowed to hold copyright on my teaching materials, or the papers I write, or the presentations I make to colleagues, what will they do with that power? Why do they need to hold that copyright? It seems like such a small thing and something I've always taken for granted. As we face increasing job action, I genuinely hope this doesn't escalate.

But as Job Action Committee Chair, with the help of such a proactive team, we will ensure that we are prepared!

Amanda Ross-White can be reached at amanda.ross-white@queensu.ca.

GET INVOLVED!

QUFA Disrespected



QUFA Members can help spread the word about QUFA's concerns at the bargaining table by accessing the resources on the QUFA "Disrespected" Web site:

www.qufa.ca/disrespected

On the QUFA "Disrespected" Web site, Members will find:

- **posters** to print out and post in their offices or units,
- **Zoom backgrounds** with the QUFA "Disrespected" logo to use in Zoom meetings,
- **PowerPoint slides** to share in presentations or classes,
- information on how to get **QUFA "Disrespected" buttons** from the Job Action Committee,
- **and more!**



41% OF ALL CLASSES ARE TAUGHT
BY ADJUNCTS AT QUEEN'S

