

BUFA VOICE



Message from the President

Michelle Webber

Unfolding events at the provincial government level about defining antisemitism may impact members. And before I lay out the details let me state what I hope is obvious: the BUFA Executive condemns antisemitism. A situation, however, is possibly evolving that may make for some tough discussions and contestations about academic freedom. The backstory details are dense, but important, so bear with me.

On May 26, 2016 the International Holocaust Remembrance Alliance (IHRA) Plenary, which is the decision-making body of the inter-governmental organization of 34-member countries (whose mandate is to focus on Holocaust issues), adopted the following “non-legally binding working definition of antisemitism”:

Antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Alongside this working definition, the IHRA provided a list of illustrative examples meant to “guide IHRA in its work”. Of note to what follows is that the examples include criticism of the state of Israel. For example, one of the illustrative examples is “applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation”. A scholar who criticizes Israel’s security policy related to Palestinians might thereby be accused of applying a double standard and therefore of being antisemitic.

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BUFA General Membership Meeting

Thursday, *December* 10, 2020

with guest speaker

CAUT President, Dr. Brenda Austin-Smith
Zoom Webinar beginning at 1:00pm

News and Views

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Let's *get* Social



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Message from the President *(continued from cover page)*

On December 11, 2019 two members of the Progressive Conservative caucus introduced a private members bill (Bill 168). The Bill itself states:

In interpreting Acts, regulations and policies designed to protect Ontarians from discrimination and hate amounting to antisemitism, the Government of Ontario shall be guided by the working definition of antisemitism **and the list of illustrative examples of it** adopted by the International Holocaust Remembrance Alliance plenary on May 26, 2016. [emphasis added]

The Ford government sought public feedback and received criticisms of the Bill and its inclusion of the “illustrative examples”. For example, there is growing concern within academic circles that legitimate criticism of the state of Israel is conflated with antisemitism. (See OCUFA’s press release: [OCUFA Opposes Ontario Government Circumventing Democracy and Public Debate on Bill 168](#))

As you can probably see, this could well develop into a conflict over academic freedom if academic staff criticize the state of Israel. At the time of writing, The Bill remains outstanding and the Standing Committee on Justice Policy is still seized of Bill 168. As an outcome, it is possible that the Bill will simply remain in Committee and never become legislation.

On October 26th, 2020, the Lieutenant Governor of Ontario enacted an Order in Council (OIC) that adopts the International Holocaust Remembrance Alliance’s (IHRA) Working Definition of Antisemitism (as of May 26, 2016) but does not reference the examples. Enacting an OIC by-passes the process of holding public hearings and considering public submissions on Bill 168.

In a legal opinion obtained by OCUFA, Goldblatt Partners stated the OIC’s adoption of the definition does not pose a direct legal threat, although there may be indirect effects (e.g., academic freedom, see below). Unlike the specific instruction to government contained in Bill 168, the OIC is more limited in that it only speaks to the government’s own definition of antisemitism. The government is, in effect, saying “here is what we think the definition of antisemitism is”. In doing so, this may lead to other institutions (such as universities) doing the same. However, that was always possible.

In a legal proceeding relating to allegations of racism, specifically antisemitism, a party could always have tried to rely on the IHRA definition. And, the OIC does not preclude anyone from using arguments against that definition.

So where does this leave us? Academic freedom as a principle, and as a right, is enshrined in our Collective Agreement (Article 11).

The Parties acknowledge that they are committed to the pursuit of truth, the advancement of learning, and the creation, interpretation, preservation and dissemination of knowledge. To this end, they agree to uphold and protect the principles of academic freedom as expressed in the following statement: academic freedom is the freedom to examine, question, teach, and learn, and it involves the right to investigate, speculate, and comment publicly without deference to prescribed doctrine. The Parties agree that they will not infringe upon or abridge the academic freedom of any member of the University community.

As scholars, we sometimes pursue research or express ideas that may offend. Academic freedom exists in tension with policies and regulations that aim to limit harmful expression (e.g., hate speech laws). Scholars who have engaged in public and legitimate criticism of the state of Israel have faced accusations that their views and commentary are outside the bounds of legitimate expression (e.g., Dr. Faisal Bhabha, York University). Bill 168 may or may not ever come into law and we can examine what impacts that might mean if it does down the road. But even the OIC’s statement may come into conflict with academic freedom. An indirect effect of it may well be that it provides a rhetorical tool to those who wish to quiet legitimate criticism of the state of Israel. Goldblatt’s legal opinion notes that university administrators and/or arbitrators could draw on the definition now recognized by the Ontario government (via the OIC) in their assessment of whether conduct illustrative of examples on the IHRA list ought to be considered antisemitic.

BUFA will continue to monitor the situation and please do not hesitate to [contact us](#) if you have any questions.





Student Course Evaluations

Jonah Butovsky, Grievance Officer

‘Tis the season, for Student Course Experience Surveys. Sure doesn’t roll off the tongue like “Course Evals”. I must admit that I have fond memories of sitting outside the lecture halls as late-arriving students look quizzically

thinking: What is he doing out here? Course evals signaled the end of the term and some breathing room on the horizon. However, much research on course evaluations finds them full of systematic bias (please see [OCUFA’s report here](#)). As an example, “scores” on the course evaluations were lower for women and racialized groups, and higher for courses with higher grade averages. In essence, these are not actually evaluations of the course, but rather something more akin to student satisfaction surveys.

They are deeply flawed tools and do little to “measure” teaching excellence, yet universities continue to use them and are tied to career progression. There is a growing sense across campuses that they need to be reworked. For instance, Ryerson University Faculty Association successfully grieved the use of these survey results for career progression ([Arbitration decision](#)).

We wanted to bring to your attention the new language about these surveys in the Collective Agreement.

What’s new?

Actually, before getting to what is new I would like to stress that, as always, the administration of course surveys must be done in conformity with the Collective Agreement and the Departmental/Centre procedures for the collection of course evaluations (see 16.03i and 16.04i). Departments and Centres control the content and format of these tools. That being said, new language now explicitly states that these evaluations will be collected in an online format for online courses. Units are not compelled to use CPI’s online tool. Units are free to choose to use a different survey instrument, for example Survey Monkey.

If units decide to use the CPI tool, they need to consider whether or not they want to adopt the 6 universal questions (generated as a result of a Senate regulation). If a department adopts those questions, they are still free to add additional questions specific to their unit. If units adopt the CPI questions, then members of the unit are required to report on the results of those universal questions for the purposes of tenure, promotion, and their annual reports. However, if a department does not wish to adopt those questions, the questions will still be asked, but members will not have to report on the results of those questions for tenure, promotion, and their annual reports.

Additionally, with the CPI tool, an optional series (of up to five) questions can be added by instructors.

BUFA learned that CPI was distributing departmental averages to a few units. Please note they will no longer do so as departments do not have a right to this data.

The Parties agreed to new language (Article 12.07d) that allows the University to accumulate aggregated and anonymized data from online student course evaluations for reporting purposes to government.



I would like to conclude with three reminders. First, we are required to administer surveys for all courses with 5 students or more, second, the course survey results are the instructor’s property (see Article 12.07d), and third, these surveys are only one element of teaching assessment. Other indicators of teaching quality and effectiveness include a teaching portfolio, comments from students, peer review of your teaching, and others as listed in Article 21.06a in the Collective Agreement. Please feel free to reach out if you have any questions.



Health and Safety Lens

Glenn Skrubbeltrang, Health and Safety Officer

On September 1st Brock moved from stage 2 to stage 3 in the pandemic recovery plan that expanded campus access to faculty members to include some in-person research activities. At the time, many people were hoping that

this would be a signal that we were coming out of this global pandemic and that the ability to move to higher capacity use of campus would be the next phase. At the time of writing, there is a great amount of uncertainty as many parts of the province are tightening restrictions and moving toward lockdown measures. Discussions among colleagues have centered around the balance that health officials are trying to navigate between physical well-being and psychological well-being. Whereas in the political arena, we see a focus on balancing between economic well-being and physical/psychological well-being.

Regardless of the lens we look through, the uncertainty of these times is challenging us all to rethink our priorities and how we are going to come out the other side.

I encourage you to reach out if you are looking for any help navigating the plethora of information provided to us. The Provost has begun consulting with various groups about what a return to on-campus teaching might look like for Fall 2021. We anticipate that members of Senate will discuss Fall 2021 at its meeting on November 18th.

For those who are adjusting to online research and/or online teaching, it is hard to believe that we can ever go back and just resume our work in the same manner as we had before the pandemic hit. There is no doubt that many of us may take parts of this experience and use it to improve what we will do in the future. As your Health and Safety Officer, I encourage you to reach out if you are having any difficulties navigating this process or fulfilling your work responsibilities while simultaneously choosing actions to ensure your own health and safety.



OCUFA Update – Athabasca University

Tim Murphy, Communications Director

The Administration of Athabasca University passed a new designation policy on September 11, 2020 that could effectively remove up to 62% of the membership from the Athabasca University Faculty Association (AUFA). This new policy allows the Administration to re-define what positions are considered academic and those positions that are no longer considered academic may be forced out of their faculty association ([We choose AUFA](#)). Such a move may result in only research-based professors being eligible for membership in AUFA even though the vast majority of current members wish to

remain in AUFA. This could strip union membership from the majority of the over 400 current members leaving them unrepresented and making them part of the growing numbers of academics who are precariously employed. Members forced to leave their union would now only have protection covered under the common law in Alberta. The Administration would then be free to declare alterations to their terms and conditions of work such as eliminating sabbaticals. If individuals do not agree to changes, they could be terminated.

AUFA has argued that this policy represents a fundamental change to labour relations and should have been negotiated. The Administration claims it is only a policy change aimed at defining what an academic is at AU and therefore can be imposed by them without consultation. AUFA offered the Administration a potential resolution whereby for the next five years de-designation could only occur if AUFA consented and in return AUFA would cease their protests and not promote a proposed visiting student boycott; however, this offer was rejected by the administration ([see additional details](#)).

The BUFA Executive supports AUFA in their efforts to fight this change to how their positions are being defined and the ability to continue representing current members of the union. Several other faculty associations have also expressed solidarity with AUFA. One way we can all support AUFA is to make students aware of the anti-labour actions taken by the Administration at Athabasca University and ask students to consider those actions as they make decisions about where they take courses. Athabasca has a large online presence and has been a popular choice for many students to pick up elective credits in the past; however, there are now a wide variety of options available, so the Executive encourages our membership to consider them when suggesting online course options for students.

Potential Impact of ITS Project Looms for BUFA Members

Tim Ribaric, Member-at-Large



A new project listed on the [ITS SharePoint Site](#) may have profound impact for BUFA members. The project is entitled “*Manage the Risk*” and it will affect the way you use technology in your teaching and research. If enacted as currently described, it will require the central management of all technology purchased by Brock funds (which would include devices purchased with PER accounts). What this will mean in practice is that you would no longer be able to make modifications to your system settings, such as adjusting anything in Control Panel or to install software on your own hardware without explicit authorization from ITS staff. *If these restrictions are imposed, the consequences may be problematic and may interfere with your research and teaching*

activities. The projected date for the implementation of this project is May 1, 2021. There are no further details yet about how this will be implemented, staffed, or what a policy on managing the risk will look like.

Fortunately, this project was discussed at the September meeting of the Senate Information Technology and Infrastructure (IT&I) Committee. At that meeting, a motion was passed requiring ITS to complete an impact assessment for academic activities before attempting to implement this change. The motion also requires any draft policy to be addressed by the IT&I Committee before a recommendation is made to Senate. BUFA has also flagged their concern about the potential impact on our teaching and research activities.

Academic units should soon be receiving communication from ITS asking about potential impact of this planned project. Please provide feedback to this academic impact assessment.

The ‘Manage the Risk’ project may also have implications for other computing scenarios. It is unclear how a faculty member who uses, for example, Linux on their desktop computer, owns a Mac, or who owns a Chromebook, will have their equipment centrally managed.

The IT&I Committee will continue to investigate the impact of this proposed project and members with concerns and/or questions are encouraged to reach out BUFA members on the committee as well as the BUFA office:



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