

# BUFA VOICE



## Message from the President

*Michelle Webber*

Members of the Canadian Association of University Teachers (CAUT) recently imposed censure on the University of Toronto as a result of the University Administration's refusal to remedy academic freedom concerns flowing from a politically-motivated hiring scandal in the Faculty of Law.

Censure is a rarely invoked sanction (only applied in 3 instances over the past 40 years) against the administration of a university or college whose actions threaten fundamental principles of higher education, including but not limited to academic freedom, tenure, and collegial governance.

A withdrawal of an offer of employment at the University of Toronto after outside interference led to the imposition of censure. In July 2020, a hiring committee unanimously recommended Dr. Valentina Azarova for the vacant position of Director of the International Human Rights Program at the University of Toronto. Dr. Azarova is a human-rights lawyer and scholar. Part of her work has focused on the enforcement of international law and treaty obligations as they relate to the Israeli-Palestinian context.

According to [CAUT's report](#), Dr. Azarova was verbally offered the position on August 11, which she verbally accepted on August 19. Work then began on applying for a work permit, including connecting Dr. Azarova to an immigration lawyer hired by the University to advise and assist on the matter.

Days before the offer of employment was revoked, the Chair of the hiring committee learned that an alumnus and major donor (who is also a sitting Tax Court judge) called the Director of Advancement at the University to relay objections to the appointment and express concerns about the potential damage to the University's reputation in the Jewish community if the appointment went through (see [www.cbc.ca/news](http://www.cbc.ca/news) for decision of judicial review body about the case).

The hiring process was terminated by the Dean of the Faculty of Law, citing immigration issues as the basis for the termination.

As stated in [CAUT's press release](#), "CAUT Council found it implausible to conclude that the donor's call did not trigger the subsequent actions resulting in the sudden termination of the hiring process". Given such a breach of widely held principles of academic freedom, CAUT Council imposed censure.

With the censure in place, and until the Administration resolves concerns about academic freedom stemming from this case, members are asked to respect the censure and "are asked to not accept appointments, speaking engagements or distinctions or honours at the University of Toronto" ([www.caut.ca/faq](http://www.caut.ca/faq)).

For more information, please see:

A [FAQ](#) on censure can be found on CAUT's site.

A collection of resources connected to this case is available [online](#).

## News and Views

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*Editor: Tim Murphy*

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**[www.BUFA.ca](http://www.BUFA.ca)**



## OCADU Librarians

*Tim Ribaric, Member-at-Large*

The Ontario College of Art and Design (OCAD) University recently announced some changes to its library structure. Library reorganization activities have recently become common practice in Canadian post-secondary institutions. In fact, the professional librarians in BUFA are presently working through an invocation of the “redeployment due to restructuring” provisions of the Collective Agreement. While the situation at Brock is being conducted with some degree of oversight by Senate and other collegial self-governance mechanisms, the same cannot be said for the process at OCAD.

On May 5<sup>th</sup>, 2021, four senior academic librarians were laid off and two additional vacant librarian positions were eliminated. These four librarians represented over 70 years of combined experience at OCAD and their departure creates the potential for significant negative impact to the services provided to students at the University. Ostensibly, the reorganization was performed to enable three different units to combine into a single entity in order to provide better service for OCAD students and faculty. A further dynamic of the situation is that these librarians are not members of the local faculty association, but are part of OPSEU Local 576, Unit 1. They are considered academic support staff and are not protected by the Memorandum of Agreement that governs members of the OCAD Faculty Association. As a result of this different representation, they do not have the same protections with respect to job security, academic freedom, or tenure as a typical librarian at other post-secondary institutions. For example, professional librarians at Brock University are members of BUFA and governed by the same Collective Agreement as faculty colleagues.

Members of the OCAD community have claimed that the required consultation process was conducted in a hurried manner without substantive discussion with the unions involved, the board of governors, or student groups. Consistent with announcements regarding this situation, on June 1<sup>st</sup>, these four librarians were unemployed.

In response to the initial public backlash of the terminations, OCAD Administration released a statement in an attempt to justify the rationale that led to the decision. The statement outlined the net increase in the number of positions allocated to the library but did not acknowledge the quiet deprofessionalization that occurred with the removal of these four professional librarian positions. The statement appeared to also justify the reorganization and job losses under the banner of decolonization, stating that the reduction in hierarchy is consistent with reconciliation and decolonization practices. Yet, the Library added an administrative position to its hierarchy within this reorganization process.

Letters providing support for the librarians and condemnation of the actions of the OCAD Administration flooded in from many different faculty associations across the country. Librarians at Brock University responded to this unprecedented situation by also penning a letter that was sent to the University Librarian and several other members of the OCAD Administration. The community mobilized, a petition was created, and a social media campaign was held on May 31; organized under the hashtag #WeLoveOCADULibrarians. Additionally, a website chronicling all of these initiatives has also been constructed and is available at: [weloveocadulibrarians.ca](http://weloveocadulibrarians.ca)

Unfortunately, all of this activity was for naught. The start of June came and went without any changes to the lost librarians positions. These librarian members were terminated with no transparency, yet the Library’s administrative ranks at OCAD are expanding with a recent advertisement of a newly created Associate University Librarian position.



## *Having Voices: BUFA Committee Representative and Observer Roles*



*Dawn Good, Vice President*

Each year BUFA reaches out to the membership to invite members to participate on the several BUFA and joint BUFA-Administration committees within Brock. We appreciate that our members have repeatedly volunteered their expertise and time despite their significant and notable workloads as faculty instructors, researchers, and academic scholars in service to their departments, university, communities, and disciplines beyond our walls.

While the BUFA-specific committees may be more self-evident in terms of your role to support, advise, structure BUFA policy, etc., there may be confusion amongst our members as to the distinction between the roles of Representatives and Observers. Whereas the ‘titles’ are similar, the functions of these two roles are notably distinct. Article 5.5 of the BUFA By-Laws, regarding Representatives and Observers on University Committees, states,

There shall be Association representatives and observers on University committees as necessary and as specified in the Collective Agreement.

***Duties of BUFA representatives:*** to participate in the deliberations of the committee; and to report on an ongoing basis to the Executive Committee on the deliberations of the committee.

***Duties of BUFA observers:*** to monitor the deliberations of the committee and to report on an ongoing basis to the Executive Committee on the deliberations of the committee.

As such, the Representative is a fully contributing and voting member of the committee who is either appointed directly by the Executive, or jointly appointed by the Executive and the Administration, and in this role conducts themselves in terms of the decision-making and recommendations specific to the mandate and business of the committee. The Representative is to comment/advise/discuss the content-specific issues of the committee in their capacity as a BUFA member. Having BUFA members on these committees ensures faculty and/or professional librarian involvement, input, and voice in terms of the governance of university decisions as they apply directly to our scholarship and working environment. The committees with BUFA Representatives include: University Occupational Health and Safety; President’s Advisory Committee for Human Rights, Equity and Decolonization; President’s Distinguished Service Award for Staff; University Award for Distinguished Research or Creativity; Jointly Appointed Tenure and Promotion Committees; Jointly Appointed Academic Leaves; Jointly Appointed Tenure and Promotion Appeals; Jointly Appointed Employment Equity; Joint Timetabling; Joint Health and Safety; Joint Salary Anomalies; and the Joint Benefits and LTD Advisory Committee.

Conversely, the Observer is a non-voting member who is appointed by the BUFA Executive. The Observer’s responsibility is to ensure that the procedures and discussions during a committee meeting are not in violation or contravention of the Collective Agreement (CA). ***Responsibilities as an Observer are very different from those of Representative.*** Observers listen for any possible contract violations or implications; they are not expected to be the expert on the CA. Observers will check in with the Executive Committee when input from the Committee is specifically requested. Observers keep BUFA informed as to important implications to the CA that may need to be considered in terms of future CA changes, follow-up to be done at the level of the JCAA, or possible grievable actions.

Having a BUFA presence on these committees is a means for our membership to be assured that there is BUFA oversight in terms of the committee remaining consistent with members’ rights under the CA.

If there are potential issues witnessed during a meeting, Observers are encouraged to comment/advise the committee of a possible issue and/or advise and/or inform the BUFA Executive and invite direction from the Executive as to how to respond. The committees with BUFA Observers include: Senate Academic Review; Senate Planning, Priorities and Budget Advisory; Senate Committee on Information, Technology and Infrastructure; Senate Student Appeals Board; Senate Governance; Senate Undergraduate Student Affairs; Senate Research and Scholarship Policy; Senate Teaching and Learning Policy; Senate Undergraduate Program; Senate Graduate Studies; and Two Row Council.

***Overall:*** Members’ contributions and efforts as Representatives and Observers on these committees are valued, appreciated, and critically important in the overall governance of these several committees and have tremendous impact on membership at-large. Indeed, BUFA, our colleagues, and the university are better served when we are able to contribute to the workings of the committee efforts/goals in these committee capacities.

I encourage any member to reach out with any questions they may have, and otherwise, yet again, I thank you, on behalf of the BUFA Executive, for the significant efforts members make in these service roles.



## Changing the Collective Agreement on the Fly

*Jonah Butovsky, Grievance Officer*

As we enter into the second year of our three-year Collective Agreement, I have been reflecting on the steps that went into the membership ratification of the Agreement last summer. As a starting point, the Negotiating Team surveyed the membership to help get a sense of where our membership is satisfied and where we would like to make advances. The Chief Negotiator, the President, and other members of the Negotiating Team then visited units to hear further issues, concerns, and wishes. The Team also held themed focus groups as well as an open session for anyone who had not yet had the chance to offer their insights with the Team. The Team then researched and developed a comprehensive set of proposals to take to the bargaining table. This bargaining mandate was discussed and ratified at a meeting of the BUFA membership. At this point the Negotiating Team was entrusted to deliver the best possible deal for the membership. In my view, they delivered. And, as demonstrated by the ratification vote by the membership, the membership was satisfied that this is a Collective Agreement they were willing to work with for the next three years.

So why am I writing about this now? Each year, the BUFA Executive receives requests for exceptions to the

Collective Agreement. The Executive considers each of these requests carefully and more often than not, does not agree to enter into conversations with the Administration to facilitate the exception. The Executive takes the position that amendments to the Collective Agreement should only be made sparingly so as to maintain the integrity of the Collective Agreement that was approved by a vote of the membership.

When the Parties negotiate they put everything on the table and implicitly or explicitly make a number of trade-offs – this is the “give and take” of collective bargaining. For that reason, among others, it is ill-advised to make one-off changes or exceptions to the Agreement on an ad-hoc basis in isolation from the terms of the entire Collective Agreement. Moreover, avoiding mid-Agreement changes is an important strategic principle. For instance, when the Employer approaches the BUFA Executive to ask for a concession in the middle of a contract we can, in good conscience, say that we do not negotiate in the middle of an agreement.

The Executive will soon be turning their collective minds to organizing for the next round of collective bargaining. If there are changes to the terms and conditions of our work that you would like, please participate in the bargaining process!

# Congratulations!

## 2020/2021 GRADUATE RECIPIENTS

Each year, BUFA awards \$1000 scholarships to five undergraduate and two graduate students. These BUFA awards recognize excellence in academic achievements, as well as significant and on-going dedication to community service.

*Nadia Ganesh, Masters of Psychology*

*Faith Ogunkoya Iyobosa, Masters of Education*



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