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The Ontario Budget 2009

by Mark Langer, CUASA External Relations Chair

<http://www.caut.ca/cuasa/OCUFA Budget 2009 backgrounder Mar 27 2009.pdf>

CUASA members may be aware of the recent release of the Ontario budget on March 26, 2009. Despite the sense of panic created by many university administrations, Carleton's included, about the financial prospects for post-secondary education in the upcoming year, the budget contains much good news for our sector. As management's claims of insolvency became somewhat more shrill when they sat down to the table to negotiate our new contract, we were skeptical about how real they were. In budgetary terms, to adapt Mark Twain's adage, rumours of Carleton's insolvency were highly exaggerated.

What are the features of the budget and how will they affect you?

Highlights of the 2009 budget include:

\$150 million of one-time money to ensure that undergraduate and graduate students were fully funded in the 2009-2009 fiscal year.

The Reaching Higher program where the Ontario government invested more money in higher education estimated that there would be an increase in enrolment over the time of the program, but actual enrolment increased significantly beyond what was projected. This injection of money will ensure that Carleton will receive money beyond what was projected at the beginning of the budget year, making for a substantial windfall in addition to the already-promised \$200 million increase for 2009-2010 previously announced under Reaching Higher. Although this money is shared with the colleges, according to Council of Ontario Universities estimates, the increase in on-going operating funding for universities alone will be five per cent for the next year.

\$780 million over two years in provincial contributions to cost-shared post-secondary education infrastructure funding. This is in addition to the stimulus plan announcement by the federal government which announced a two year shared-cost funding program for the repair, retrofit and expansion of facilities at colleges and universities, 70% of which is directed to universities. The universities' share of what will now be combined provincial and federal infrastructure stimulus funding amounts to \$1.1 billion.

This does not include an additional \$35 million over three years that has been promised for new construction for medical schools, but it does go a long way towards addressing Carleton's deferred maintenance and renovation needs.

\$715 million in new investments to support research and development partnerships and to encourage innovation by the private sector.

Although much of this is targeted to university partnerships with business, and not all of this allocation is new money there are some significant gains. Net new investment may actually be over \$100 million, as the 2008 budget had already announced \$250 million over five years, and the new budget promises \$300 million over six years. In addition, the 2009 budget promises \$100 million over four years for operating costs of bio-medical research, focusing especially on genomics and gene-related research, and \$5 million for the Ontario Genomics Institute.

Changing the pension solvency time period from the current five years to ten years.

This should be of great importance to Carleton, whose management has been issuing statements that they have to put millions of dollars into the pension fund in order to make up for adverse investment experience. The new legislation doubles the time to return to a sound solvency evaluation for the pension to ten years and makes that retroactive to September 2008. This means that where the employer would have had to put \$7 million a year into the pension under the old solvency regulations, it will now require about \$3 million a year. And this is assuming that the investment climate does not recover during those ten years. It is likely that, in the event of a recovery within a few years, that solvency issue will not be a problem for Carleton.

Professional Expense Reimbursement

<http://www.caut.ca/cuasa/benefits.html#per>

The value of the 2008-2009 PER is \$1200 and you may claim your expenses once per year (with appropriate original receipts or other original evidence of payment to support the claim). If you do not use all or part of your 2008-09 reimbursement amount, it will be carried forward to 2009-10 provided your fund does not contain more than 3 years entitlement. All funds in excess of 3 years of entitlement will be removed and transferred to the CUASA Scholarship Fund.

The value of the 2009-10 PER is under negotiation and until a new agreement is in place, the \$1200 amount will continue as do all other provisions of the collective agreement.

Human Dignity

by Arnd Bohm, CUASA President

The first sentence of the current German constitution sounds funny to our ears: "Human dignity shall be inviolable" ("Die Würde des Menschen ist unantastbar.") The boldness of the claim arose against the horror of the Nazi years; the new constitution of 1949 imposed the highest standard imaginable to its authors for the protection of individuals and communities. But what a strange way of doing so! "Dignity" is not a term or even a clear goal of Anglo-American legal and political philosophy. In the English-speaking countries, the highest values still appear to be those recognized by Blackstone: those of the rights of private property and of property holders.

The consequences that have flowed from the two differing fundamental premises are only gradually coming to light. An important figure in the examination of the contrasts has been the American legal philosopher James Whitman, who is the Ford Foundation Professor of Comparative and Foreign Law at Yale Law School. In a series of articles and books, such as *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe* (2003) he has considered how the promise held out to the world by the young American republic in the early nineteenth century, for a more just social order, went awry. His analysis concentrates on the absence of dignity as an active principle in American discourse. While he is mainly concerned with the United States, there is material in his work for us to think about on this side of the border.

For complex reasons, Canada has in the last decades been moving closer to the European sense that the law should enhance individual and communal dignity. Even those without property are entitled to real, genuine respect as human beings. Thinking about the significance of dignity helps to understand the subtle but clear distinction between Canadian and American attitudes to "hate speech" and "free speech." Canadians defend individual and human dignity by forbidding certain kinds of utterance as "hate speech," which subverts the dignity of others. In the USA, the right of propertied citizens to express their opinions in "free speech" overrides any expectation that the others will be protected by the state against disrespect.

Whitman also explores implications of the different assumptions when it comes to punishment. A system that seeks to strengthen individual dignity leads to sentencing and prisons in which the emphasis is on a restoration of self-respect and of being respected. But the American system operates in terms of punishment as an exchange, whereby enduring pain and shame are what prisoners can offer in order to buy a return to ordinary society, no matter what the cost to personal dignity. The idea that all prisoners still retain their personal dignity as human beings, no matter how heinous their crimes, is generally unacceptable in the USA, as the recent treatment of "terrorists" revealed.

At the university, we have considerable flexibility in designing our institutions. Speaking as an individual, my hope is that all of us, and in particular CUASA, would agree with respecting the dignity of individuals and communities. Of course this does not abolish codes of behaviour. But it calls upon us to act as though everyone were an important person with feelings, hopes and fears, dreams and joys, not as though everyone were nothing more than a drain on the common good. Let us make sure that human dignity truly is inviolable.

With that, my term as President of CUASA draws to a close. I am grateful to everyone who helped me through the last few months. I wish my successor Angelo Mingarelli all the best and know that his wit and wisdom will carry him through. CUASA is, like one of Wordsworth's yew trees, older and more deeply rooted than is readily apparent, and it deserves our loyal support.