

# news from CUASA

Volume 15, No. 8

February, 1985.

## THE ACADEMIC ADMINISTRATION AND THE BOARD OF GOVERNORS OF CARLETON UNIVERSITY

The principal problem with the academic administration at Carleton University, the Deans, the Vice-Presidents, and the President, is not that they are seeking to "do in" faculty, but that they are politically inept. Inept in dealing with the Ministry of Colleges and Universities, but most importantly, for us, inept in dealing with the Board of Governors. When a conflict, or potential conflict, arises between the administration and the Board, the administrators' response is not to prepare a plan to win, but to hunker down and wait for the problem to blow away. Thus when the Chairman of the Board attempted to subvert tenure in her infamous letter to the Bovey Commission, the administration did not confront her, but tried to avoid the whole issue, hoping everyone would forget about it. What the administration ignores is that it is a lot easier to tip over someone who is hunkered down than it is to overturn someone standing up for what they believe. And getting tipped over is what happened with the issue of the end of mandatory retirement. The administration tells that they welcome the change that will come with the Charter of Rights in April; they publicly declared themselves in favour of this change in their submission to the Bovey Commission. When it came time to begin implementing a policy of no forced retirement, however, the executive of the Board refused to go along. The administrations' response? Hunker down and hope things will go better at the full Board. And what happened at full Board? Well, the administration was so hunkered down that no one could see their position and we are faced at Carleton with the real prospect that we will have to sue the Board to protect our members' right to not be forced out at age 65. (See story of mandatory retirement elsewhere in this newsletter.) All because the administration cannot get its policy approved by the Board.

This would more amusing, perhaps, if it did not make the negotiations we must undertake soon quite ambiguous. Although our contract is with the Board, we negotiate with members of the administration. If we agree to something at the table, quite likely as a compromise, will we find out that the administration hunkered down on the things we won at the table and let the Board pick only the items we gave up in exchange?

It has occurred to us that the practice of losing items at the Board may be a deliberate ploy, a way the administration can try to convince us that they are "nice guys who really would like to help us if it wasn't for the mean old Board", while actually opposing our proposals. But these people used to be our colleagues; they wouldn't try to deceive us, would they?

Duffy





## MANDATORY RETIREMENT

Most members of CUASA are aware that the provisions of the Charter of Rights which come into effect on April 17 prohibit discrimination on the basis of age (and other matters, as well). We, the academic administration of Carleton University, the AUCC, the Bovey Commission, and many others, have all taken this to mean that mandatory retirement at age 65 (or any other age) would no longer be allowed. The Board of Governors of Carleton University apparently believes otherwise.

Because we thought it would be worthwhile to make some arrangements to meet this new situation, we agreed with the administration to set up a joint committee to consider whether we needed new clauses in the collective agreement to deal with these changed circumstances. That committee was making considerable progress. It was particularly notable because it was operating with good will from both parties, proof that unions and managements need not be adversaries on every issue. That good will was shattered by the Board.

The committee had agreed to recommend that the early retirement policy of the university be made more flexible, we had agreed that the administration could send around letters each year asking faculty whether they planned to retire after that year. We also agreed to make several recommendations to the Pension Committee. We recognized that for those faculty and librarians retiring in the next few years, pensions will often not be adequate. To help improve them, we intended to ask the Pension Committee to investigate reducing the number of years of best salary for the minimum guarantee to 3, to re-calculate the effect of fewer individuals retiring at 65, and to evaluate changing the normal option to joint life from the current single life. (CUASA has asked its representatives on the Pension Committee to raise these issues anyway.) We had also begun discussing ways of directly improving pensions. The committee stopped its activities, however, when it became apparent that the Board was antagonistic to any changes and when the administration failed to live up to its words.

The administration had proposed that it now offer to anyone scheduled to retire in 1985 the right to extend their service by one year. The pension plan permits the President to recommend such extensions to the Board. CUASA viewed such an offer as largely beside the point since we think everyone has this right (or will have it) without the President's permission. However, we saw it as a means by which the administration could find out which employees who could retire did indeed intend to remain at Carleton for the next academic year. However, the Board of Governors refused to accept this, arguing that Carleton would, somehow, not be subject to the Charter of Rights.

This from the administration of a university which proclaimed to the Bovey Commission that "we welcome this progressive constitutional change". Once again CUASA finds that the words of the administration are not matched by its actions.

Further evidence of the administration's unwillingness to back its words with action came in late December. A professional librarian member of CUASA wished to stay in her job, even though she was scheduled to retire at the end of December. We asked that she be extended. The Chief Librarian had told her that if she was patient, she might be hired back on a contract (to do the same work for less pay, of course), clearly indicating that there was work for her to do. (The administration has still not bothered to tell us how her work has been added to the full-time work of the other professional librarians.) The administration refused to extend her service. So much for goodwill.

CUASA remains committed to the end of mandatory retirement. We think it is discriminatory to force individuals to leave work simply because of their birth date. We think it will require some creative measures to make it work as well as it should. For a while it seemed that the administration was willing to work creatively, but not any longer. CUASA remains eager to discuss retirement policy with the administration, once the administration's policy no longer favours mandatory retirement as it now does. We intend to support any member of CUASA who wishes to challenge the administration's attempt to force him or her to retire.



November 29, 1984

Mrs. Jean Teron  
Chairman  
Board of Governors  
Room 607  
Administration Bldg.  
Carleton University  
Ottawa, Ontario  
K1N 5B6

Dear Mrs. Teron:

I have received a copy of your letter to the Commission on the Future Development of the Universities through the medium of the CUASA newsletter. Since the points you raise are not specific to Carleton University I take this opportunity to respond to your arguments on behalf of OCUFA.

I shall not spend much time arguing against your view that the Commission represents "conscientious attempts at living within one's means..." In a democracy we can endeavour to change the priorities of government and aim to increase the investment that we as a society are willing to make in our universities. A government that chooses to spend in excess of \$650 million to purchase a share in an oil company (a sum which would be equal in constant dollars to Carleton's provincial operating grants for at least the next decade) or that can allow Ontario Hydro's debt to increase to the point that the interest payments alone cost about twice the total annual spending on universities, is in no position to claim a shortage of means.

I do wish to discuss your opposition to tenure which, it seems to me, rests upon a number of misconceptions.

Your letter would seem to take up at least three positions against the institution of tenure. First, tenure prevents the dismissal of the incompetent. Second, tenure leads to inflexibility in "allocation of resources." Third, corporate donations to the universities will be limited if tenure continues as part of the terms and conditions of a professor's employment.

This last position I think may be rejected without too much argument. If the tenure system is defensible then we ought not to violate deeply held convictions simply to secure corporate charity. Moreover, I do not believe that, except perhaps as a debating point, corporate executives can in good faith, argue against the strictly limited security of employment enjoyed by professors. By reason of high salaries and extremely generous financial provision in the rare case of lay-offs corporate executives enjoy an unparalleled security of employment.

The first argument, I believe ignores the provision in all faculty contracts for dismissal of professors for just cause. I am puzzled by your remark in this connection that the application of tenure is "Foremost among union powers..." This identification of tenure with faculty unions is quite inaccurate. Professors at Carleton were employed under the tenure system long before the advent of a faculty union at Carleton. Professors at Brock, Guelph, King's College, McMaster, Nipissing, Queen's, Toronto, Waterloo, Western and Wilfrid Laurier enjoy tenure without benefit of certification under the Labour Relations Act.

In short the tenure system is completely independent of faculty unionization.

I am also puzzled by your repeated insistence that the tenure system prevents a university from proceeding to dismiss "a consistently mediocre professor" or an "incompetent teacher." All universities recognize that a tenured professor may be dismissed when there is cause. Articles dealing with dismissal for cause are contained in all collective agreements where the faculty association is certified or in Senate and/or Board documents in universities where certification does not pertain. May I remind you that sections 6.2, 11.4 and 12.5 of the Carleton collective agreement deal with precisely this issue for the different categories of employee covered by the agreement. Section 6.2 in fact references a document of the Board of Governors of Carleton University of June 27, 1972, as amended October 4, 1972, which sets out procedures for the dismissal for just cause of faculty employees.

Let me make it clear that we hold no brief for the incompetent. We are concerned here that dismissal procedures be governed by fair and reasonable rules and that dismissal should not be an arbitrary prerogative of the employer. Because such procedures have been established at Carleton, as at all other Ontario universities, I am at a loss to understand how tenure shields the incompetent.

Moreover, I cannot see how tenure provides, as you imply, the luxury of guaranteed employment for life. The collective agreement with CUASA under Article 17 allows for the lay-off of tenured faculty in a situation of financial stringency. Similar provisions are contained in other collective agreements. The position is clear. If Carleton or any other university finds itself unable to meet its financial commitments, tenured faculty are not guaranteed security of employment.

In passing, I am not impressed that the tenure system may be under attack in other jurisdictions. The system that Secretary of State for Education and Science wishes to put in place in Britain may be no more than the system already in place at Carleton. i.e. tenure will not hold against financial exigency. I note that research and scholarship are not listed among the criteria for renewal of employment at Evergreen State College.

It is, of course, important to ask why the tenure system exists and to examine its advantages and disadvantages for individuals and for society. Tenure is one of the conditions of academic freedom, the right and the responsibility of every professor to carry out research and teaching as objectively and as independently as possible. This includes the right to criticize one's own institutions. Maureen Hemphill's view that these rights are well established is beside the point. It is a cliché but nonetheless a valid one that freedoms need constant defense. Nor is it enough to say that such freedoms are safeguarded by human rights legislation. Would university administrators really wish to fight each alleged violation of academic freedom through the courts at considerable expense to the university and to the individual? Is it not simply more efficient for us to recognize, once and for all, that universities as institutions stand by our commitment to freedom of research and scholarship? I believe that the institution of tenure is precisely such a commitment.

Tenure also provides important safeguards for the universities as employers. Tenure is based upon probationary periods that are considerably longer than is the case in other professions or working environments. The university in consequence has ample time - normally three years at a minimum and often longer - to evaluate the potential and the accomplishments of its tenure stream faculty.

Nor does evaluation of a faculty member cease at this point. We continue to be evaluated for promotion and in fact annually in partial determination of our salary. You may remember a series of articles by William Johnson in The Globe and Mail on the medical profession published about 18 months ago. Mr. Johnson noted that the evaluation of professors is undoubtedly more consistent and more thorough than is the case for any other profession.



The third point in my view is more serious since it may reflect a misconception, not merely of tenure, but of the entire university enterprise.

First it is simply not the case that resources within a university cannot be reallocated. In a sense university administration is nothing but the constant reallocation of resources between faculties and between departments reflecting in part changes in student demand. As a matter of record, the universities in Ontario, despite woefully inadequate funding, have responded extraordinarily well not simply to a huge increase in enrolment over the past dozen or so years but also to considerable shifts in the demand on the part of students for particular programmes.

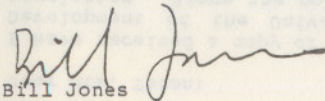
That said, I do not believe that universities exist simply to reflect student demand. Enrolment within particular programmes will always be subject to some variation as the job-market is perceived to change. However, the universities task is more than purely vocational. We do not provide only a specialized job-training. We aim at the highest level to bring our students to an independent understanding of our common culture.

Again it is a matter of record that university graduates, whether or not they have received a specialized education, are successful in the job market. Indeed it is probably characteristic of a rapidly changing economy that the greatest demand may not be for narrow specializations. It may be for well-educated, flexible people capable of independent thought.

Consequently, I believe that the universities have sensibly refused to panic and "reallocate resources," or, in plainer terms, dismiss faculty, as the pattern of student demand changes. We must maintain flexibility, I agree. We do so by resisting the temptation to specialize to too great a degree in particular programmes.

Ultimately I am more than a little surprised by the negative tone of your letter. There appears to be no recognition of the real achievements of Ontario's universities over the past twenty years. We have coped with an enormous increase in full and part-time undergraduate and graduate enrolment while the funding levels per student have fallen by about 30 % over the past 12 years, a level that is 27 % below that of the other provinces. At the same time we have developed an actual and potential research capacity of vital importance to Ontario's future. This cannot have been the work of a "lazy" or an "incompetent" faculty. If there is any abuse of the terms and conditions of faculty employment, it can only be of quite trivial proportions in the light of our achievement.

Yours sincerely,

  
Bill Jones  
President  
OCUFA

/la

cc: Dr. W.E. Beckel  
Mr. E.C. Bovey  
Professor C.S. Jones ✓

caut  
acpu

canadian association of university teachers

association canadienne des professeurs d'université

December 17, 1984

Mrs. Jean Teron  
Chairman of the Board  
Carleton University  
Ottawa, Ontario  
K1S 5B6

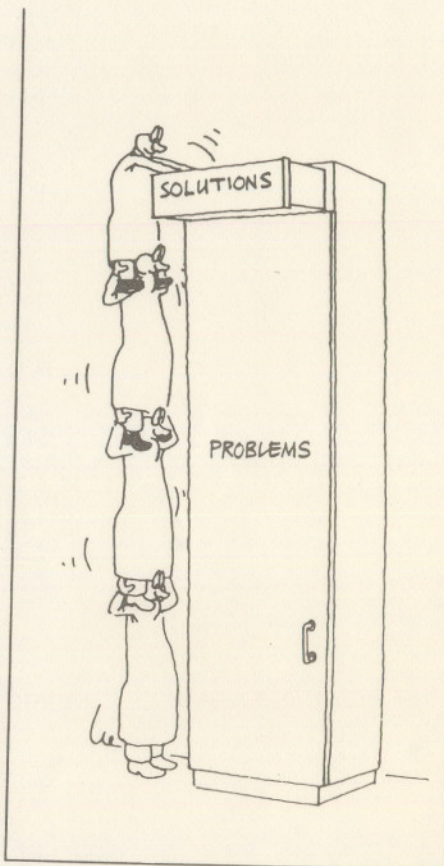
Dear Mrs. Teron:

I write with reference to your letter of August 15th, 1984 to the Commission on the Future Development of the Universities of Ontario. I understand that since that time you have provided clarification to the Senate of Carleton University, to the effect that your letter was written in your capacity as a private citizen. Nonetheless, in view of your role as Chairman of the Board at that University, I view with particular concern many of the sentiments you expressed in your letter to the Commission.

I in no way, of course, disagree with your right as a private citizen to express any views you wish. However, in the university context, it seems to me that all ideas about the university and its role should not only be expressed but debated and clarified.

First, on the topic of fiscal "restraint", I would agree with you that it is not necessarily appropriate to regard attacks on budgets as arbitrary or vindictive acts. I cannot, however, share your inference that the systematic erosion of university budgets in Ontario represents a conscientious attempt to live within our means, or to achieve the best results within our resources. It is, of course, true that the provincial government has a responsibility to defend the fiscal integrity of the province, and to allocate resources in a way that enhances effectiveness. For one who believes this, it is indeed disappointing to note the recent statement in the provincial auditor's report that \$14.5 million were wasted by the government of Ontario in 1983 on overpriced drugs (cf. Ottawa Citizen, Dec. 5/84), that almost \$4 million were lost owing to failure to fill apprentice training programs. That report also cited numerous other instances of financial ineffectiveness.

You will perhaps also have noted recent reports in the press (first week of December 1984) stating that "steel companies, florists and one of the wealthiest horse farms in Canada, are among the major beneficiaries of a program set up to ease the tax burden on Ontario farmers". These reports recorded the findings of the Ontario government public accounts. I am sure that you are aware that these are only a small sample of instances of expenditure in the province in recent years which have caused public concern.





A report prepared for the Ontario government earlier this year ("Economic Transformation: Technological Innovation and Diffusion in Ontario", February 1984) argued, furthermore, that Ontario's economic difficulties were not unrelated to its failure to maintain expenditure levels on education. The realisation that was evidenced in this report, that investment in education, including the universities, is an investment both in Canada's human resources and in its economic and social future, was welcome. It is perhaps not surprising that the Ontario government has made little of the report or its findings, in light of its record of university funding over the past decade.

As you will be aware, the University community has repeatedly stressed to the Bovey Commission over the past several months the urgent need for enhanced commitment to our universities. It is disappointing to recognize that one in your position apparently disagrees.

Secondly, I wish to address the subject of tenure, to which much of your letter to the Commission is addressed. You first identify tenure as an aspect of union powers, which in turn erode collegiality and hamper administrators in their pursuit of excellence. As you will be aware, tenure is valued as an intellectual and an institutional safeguard not only by professors, but also by university administrators in our universities. It is also internationally recognized as a principle essential to a university in a free society.

I wish it were true that academic freedom was adequately protected by human rights legislation. Unfortunately, it is not. The Ontario Human Rights Code does not include political freedom as a right. Even if it did, this would not suffice to protect academic freedom, which is not just a matter of the freedom to "criticize society", but also to pursue knowledge freely and share it with students, and, where appropriate, to be critical of industrial practices, social policy, and the universities themselves. The Charter of Rights and Freedoms does not provide clear protection either in this area. You quote Ms. Hemphill in this connection. I am not convinced that her statement reflects the informed view of the government of Manitoba.

While the federal Charter of Rights does speak about free speech, no one knows what the extent of that right will be. In particular there is disagreement among lawyers as to whether or not the rights guaranteed under the Charter will extend beyond governmental bodies. If the more conservative school of thought is correct, then the Charter would not apply to the universities. More importantly that right of free speech can be overridden by the legislatures of this country. We are not prepared to leave the definition of academic freedom at the mercies of the political arena. I would not have been very happy to have been an academic in Quebec in the days of Premier Duplessis, if I had known that academic freedom could and probably would be defined by the votes of the party in power.

Tenure, which is the instrument by which academic freedom is now protected, in fact enables individual academics to contribute to institutional processes and decision-making, guided by their belief and experience rather than by the fear of personal risk. This does not seem to me to constitute a challenge to collegiality, but rather to enable its reality.

Furthermore, it does not protect the "consistently mediocre", and thus hampers the pursuit of excellence. At Carleton University, the CUASA Collective Agreement expressly states the opposite:

#### Appendix A (Preamble, para 2)

It can be anticipated that from time to time cases will occur involving disputes between the university and the faculty member. Nor is it possible to formulate a set of rules or of criteria the mechanical operation of which will guarantee a simple and correct decision in every case. The procedures set out in this document are designed to ensure that the decision will be rendered by an impartial body which has no interest either in the silencing of unwelcome opinions or in the protection of incompetence or neglect.

This entire appendix sets out, of course, procedures for the dismissal of tenured faculty members.

If it should prove to be the case that a faculty member whose contribution is consistently inadequate is retained in a Canadian university, he or she would be protected not by tenure but by managerial indecision.

I would further point out that the authors of "Some Questions of Balance", Professors Page and Symons, did not recommend the abolition of tenure; they urge the introduction and implementation of schemes for early retirement, reduced load arrangements, and so on. Carleton University is one of many who have already made substantial progress in this direction.

The scheme being proposed in England by Sir Keith Joseph is essentially similar to most arrangements in place in Canadian universities. As you will know, Carleton University is among those with fully detailed arrangements for lay-off in the event of financial exigency (attached). It is these kinds of contractual arrangements which recognize explicitly both genuine institutional needs and the importance of due process in the event of lay-off or dismissal, so that individuals are protected from personal bias or malice.

You refer to the example of Evergreen State College in Olympia, Washington, where tenure is not in place. My most recent information on this College is that it awards Bachelor of Arts degrees only, and may therefore have lesser research expectations than most, if not all Canadian universities. It is also interesting to note that most of the very few U.S. universities who took the earlier step or abolishing tenure are reinstating it in one way or another. You might find Beyond Traditional Tenure: A Guide to Sound Policies and Practices by Richard P. Chait and Andrew T. Ford (San Francisco, Jossey-Bass, 1982) an interesting work in this connection.

The suggestion in your penultimate paragraph is, I believe, seriously misleading. Aspirants to academic careers have no guarantee of tenure. The introduction of this system was part and parcel of a much larger whole, the establishment of evaluation and review procedures, which continue at regular intervals throughout an academic career. It is indeed arguable that there is no other walk of life in which professionals are as frequently assessed as the academic world. The granting of tenure is not done lightly; a person must provide over a period of several years a record of teaching and research which convinces his or her peers of worthiness to enter the tenured ranks. Thus the attainment of tenure is an important professional achievement and a mark of proven competence. Where such promise is not fulfilled, the individual risks dismissal. In the other professions, as in the academy, cases of dismissal involving glaring and destructive publicity are much rarer than reassignment, voluntary early retirement, voluntary and/or negotiated severance, and so on. It is simply not fair either to the professors or the administrators of Canada's universities to paint the picture as you do.

It is, of course, the case that the universities still have a long and arduous task before them, to explain the realities of the universities, to clarify their educational and research role, and to restore public confidence. I hope that we will all continue to work to this positive end.

We would welcome the opportunity to meet with you to discuss these ideas further.

Yours sincerely,

*Sarah J. Shorten*

Sarah J. Shorten,  
President, CAUT.

/lc  
Encl.

cc: Prof. S. Jones, President  
Carleton University Faculty Association

#### WANTED TO RENT

From September 1985 to August 1986  
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Contact: Dr. David Moores  
Director  
Family Practice Unit  
Health Sciences Centre  
St. John's, Newfoundland  
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(709) 737-6665 (office)  
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PAT FINN INCORRECTLY LISTED IN  
WHITE PAGES OF STAFF DIRECTORY

Members are asked not to refer to the listing for Pat which appears under the white pages. For reasons known only to themselves, those responsible for making changes decided to change Pat's listing to agree with a change requested by Professor Peter Findlay. The listing in the yellow section is correct.



CUASA beleives that scale increases on salary should not only reflect increases in the cost of living but also increases in productivity. There are two sorts of productivity increases in a university: teaching and research. Carleton faculty have shown increases in both areas. As table 1 below shows there was a 16.3% increase in the number of undergraduate course enrolments at Carleton between 1981-82 and 1983-84. Graduate course enrolment has increased less rapidly at 5.8%. The total course enrolment increase is 15.5%. The faculty increase in that period is but 0.07%, just  $\frac{1}{2}$  person. The student enrolment/faculty ratio increased 15.8% in that period. The figures for on-campus faculty give a clearer idea of the magnitude of the increase, nearly 14 course enrolments per faculty, just about a good-sized tutorial. Since our salary increases did not match even the cost-of-living during this period, we are doing all this additional work for no additional pay. On top of this extra teaching, the research efforts of the faculty increased as well. In 1982 Carleton reported 6.3 million in what its statement calls 'Research Grants' (Table 2). By 1983 this amount has increased to 9.8 million, a startling 55.6% increase. Clearly, the faculty of this university are doing more (there was, you recall, no real increase in faculty members). But we aren't receiving more.

TABLE 1

	1981-82	1982-83	1983-84	% increase
Undergraduate course enrolment	45 204	48 976	52 565	16.3
Graduate course enrolment	3 664	3 855	3 878	5.8
Total course enrolment	48 868	52 831	56 443	15.5
Faculty positions	639.44	637.44	639.93	00.08
Enrolment/Faculty	76.42	82.88	88.51	15.8
On-campus faculty	538.24	525.39	538.73	
Enrolment/On-campus faculty	90.79	100.56	104.77	

Source: Carleton University Data Book, 1983-84

TABLE 2

	1981-82	1982	1983	% increase
Revenue (in thousands)				
Research grants	6 292	7 843	9 857	55.6

Source: Carleton University Data Book, 1983-84  
Carleton University Data Book, 1982-83

