

QUFA VOICES

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PRESIDENT'S VOICE

A New Premier, But Is an Election on the Horizon?

Ontario's new premier, public-sector bargaining, virtualization, and the Principal's renewal are among the many issues QUFA is engaging with on behalf of Members

By Paul Young
President, QUFA



We now have a new Premier, and everyone is looking to see where she leads us. There are no easy answers for the provincial deficit, and the room for any

government to manoeuvre is quite restricted. We at least hope that she leads us away from restrictive labour policies, legislative interference in bargaining, and a failure to recognize that being last in the country with respect to funding per postsecondary

QUFA IMAGES

Kenneth Westhues and Academic Mobbing



Robert G. May

Kenneth Westhues (Department of Sociology, University of Waterloo) delivered a QUFA-sponsored talk on Wednesday 28 November 2012 called "Mobbing: A Hard Fact of Academic Life. Or: How to Eliminate an Undesired Colleague."

student is probably not the best way to build a knowledge-based society. Everyone will be watching over the next several months to see what changes.

No matter what happens, an election cannot be too far off. The leaders of the various parties have been taking stances on some of the major issues, and we should all be paying attention. John Holmes addresses the state of public-

sector bargaining in this issue of *QUFA Voices*. In addition, the Ontario Confederation of University Faculty Associations is mounting a campaign to highlight the role and value of faculty in the educational system. As part of this campaign, OCUFA has launched a series of effective videos by faculty members in various fields. Have a look, at <http://www.weteachontario.ca>.

Virtualization

Mark Jones discusses aspects of virtualization in this issue of *QUFA Voices*. Virtualization has been a major topic around departments and at Senate. QUFA is active in considering the effects of these initiatives on workload, comfort level, and the freedom of individuals to teach as they wish. A number of us will be meeting with the Senate's Academic Planning Task Force at the end of January to provide some discussion from our perspective.

Looking Ahead to the Next Round of Bargaining

We are now well into the second year of our latest collective agreement. Although it has a four-year term, it is time to consider how well it works and what we might want to bargain for next time around. To that end, Diane Beauchemin has initiated a broad process to consider the strengths and weaknesses of the existing clauses in the CA. The intent is to discover how well each clause functions, what improvements might be made, and what additional clauses or issues need to be added. QUFA staff members are close to the grievance process and have identified the clauses that cause the most trouble for both sides. Some of these problems will be issues that both sides might wish to see clarified; others will be ones where we fundamentally disagree. QUFA Council has begun a process to seek feedback from all departments by considering a few clauses each month. QUFA staff members and some executive officers

will be holding a Head's Caucus next month to seek input on the full document from the Heads' administrative perspectives. The overall process will continue all year and based on the results the Executive will be in a strong position to focus on the upcoming bargaining round.

Principal's Renewal

Queen's is currently considering the Principal for renewal. It is interesting that it is, effectively, a secret process here, as it is at many universities. The practice of hiring "headhunter" firms, as the Board has done to direct the search, is common. One argument is that they know who the best candidates are out there. A less generous view is that they ultimately control the process and restrict the competition to friends and networks. The trading of administrative officers on the university circuit flows through these firms. Some of our Members have complained that the Secretariat Web site seeking faculty input on the search requires disclosure of individual names. I have been assured that the comments themselves are distributed anonymously, but the Board insists on being able to track them back to an individual.

CAUT President's Meeting

I recently returned from the Canadian Association of University Teachers Presidents' Meeting. Faculty association Presidents from across the country attended, and we discussed all of the issues that we hold in common. I thought it interesting that secrecy in the selection of Principals is not always the case. Laval, for instance, actually has shortlisted candidates tour the campus and meet with the various constituencies. Ultimately, it goes to a vote. We could perhaps learn from Laval's example.

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QUFA OPINIONS

"Right-to-Work" Laws Undermine Collective Labour Rights

So-called "right-to-work" laws are little more than a ploy to cut off union finances and prevent unions from functioning effectively for their members

**By John Holmes
Department of Geography**



In both the United States and Canada, there is a disturbing trend towards the erosion of collective labour rights. Employers have seized the opportunity afforded by the recent economic crisis to undertake a renewed offensive against organized labour. Witness the attacks on the collective bargaining rights of public-sector workers (including university faculty) in jurisdictions such as Wisconsin, Ohio, and Ontario,¹ and the Canadian federal government's use of back-to-work legislation to intervene in collective bargaining and impose agreements at Air Canada, Canada Post, and CN Rail.² Currently, there is growing concern regarding the spread of so-called "right-to-work" laws.³ By making the payment of union dues voluntary, such laws represent a major hindrance to a union's ability to recruit and serve its members. My aim here is to provide a brief overview of right-to-work laws and why they should be opposed.

On 11 December 2012, the Governor of Michigan signed into law a bill making Michigan the 24th "right-to-work" state in the United States. This development was significant for a number of reasons. In contrast to states in the U.S. South that have had "right-to-work" laws for decades, Michigan historically was a

leader in advancing workers' rights in the United States. It was the birthplace of industrial unionism and the United Auto Workers union in the 1930s, it was the first U.S. state to extend collective bargaining rights to public-sector employees, and—at around 17.5% of the state's labour force—union representation in Michigan remains among the highest in the United States.

In Ontario, the Michigan "right-to-work" law garnered media coverage and set off alarm bells within the labour movement. Why? In part, because the northward creep of "right-to-work" laws in the United States had suddenly arrived in Ontario's front yard, just across the Detroit River from Windsor. The manufacturing economies of Michigan and Ontario are highly integrated, especially in the automobile industry. Some argue that the adoption of the business-friendly "right-to-work" law will give Michigan a competitive edge over Ontario in the competition for new manufacturing investment. Another northern U.S. manufacturing state, Indiana, enacted a right-to-work law in February 2012. This law coincided with the highly controversial decision by the Electromotive division of Caterpillar to close its plant in London, Ontario, and to shift production to Muncie, Indiana, after locked-out unionized workers at the London facility refused to agree to the 50% cut in wages and benefits being demanded by Caterpillar.

Concern is also driven by the fact that "right-to-work"-style legislation has been gaining political traction in Canada. Ontario Progressive Conservative Leader Tim Hudak has promised to enact such legislation if the Ontario PCs form the next provincial government.⁴ In November 2012, Pierre Poilievre, the Federal Conservative MP for Nepean-Carleton, launched a campaign to give unionized employees in federally regulated workplaces the right to opt out of paying union dues.

What Are "Right-to-Work" Laws?

As a columnist in the *Washington Post* has noted, commenting on the Michigan law, "the term 'right-to-work law' is a triumph of framing."⁵ Such laws have nothing to do with an individual's right to job or employment. David Doorey, a labour law professor at Osgoode Law School, observes that "The so-called 'right-to-work' laws deal with the question of whether employees who receive the protection and benefits bargained by a union should get those representation rights for free, rather than pay their fair share of the costs of providing those services. A more accurate moniker is 'Right to Free Ride' ... off the work of the union and the union members."⁶ In other words, "right-to-work" laws give workers in unionized workplaces the right to opt out of paying union dues, even though they continue to get the wages, the benefits, and the grievance process the union bargained for. Doorey points out that the real objective of "right-to-work" laws is to cut off union finances. The expectation is that, given a choice, many employees will simply stop paying union dues. If unions have reduced financial resources, they will be less able to engage in effective collective bargaining and to provide effective services to their members, and will thus become less attractive to workers.

"Right-to-Work" Laws in the U.S.

In the U.S., "right-to-work" laws stem from the outcome of struggles between capital and labour around the institutionalization of unionization in the 1930s and 1940s. The 1935 National Labor Relations Act (NLRA) established private-sector workers' rights to unionize and collectively bargain over wages, benefits, and working conditions. The NLRA also permitted collective agreement clauses that required every individual covered by the collective bargaining contract to pay dues to the union that had negotiated the contract.

Such contract provisions are known as union security agreements. However, under pressure from employers concerned about the growing strength of unions, the NLRA was amended by the Taft-Hartley Act in 1947. One of the provisions of Taft-Hartley Act allows individual states to enact laws that prohibit union security agreements and allow workers to choose whether or not to pay union dues. These state laws are known as "right-to-work" (RTW) laws. Currently, 24 states have RTW laws and 18 of these, mostly in the U.S. south, passed them before 1960. As noted earlier, Indiana and Michigan passed RTW laws in 2012.

What is Tim Hudak Proposing for Ontario?

One of the main changes proposed in the Ontario PC Party's "Flexible Labour Markets" policy document (July 2012) is the elimination of the Rand Formula (often referred to as automatic dues check-off). The Rand Formula (named after the Supreme Court Justice who introduced the formula in a 1946 arbitration decision that ended a strike at Ford Canada in Windsor) appears in Section 47 of the current Ontario Labour Relations Act. It says that, when a union asks in bargaining for a clause to be included in the collective agreement requiring the employer to deduct union dues from employees' pay and remit those dues to the union, the employer must agree to that clause. The Rand Formula is designed to ensure that no employee will opt out of the union simply to avoid dues while reaping the benefits of the union's accomplishments (such as ensuring higher wages, better job security, or other benefits). Thus, Hudak's proposal to eliminate the Rand Formula is similar in intent to the "right-to-work" laws passed in Michigan and Indiana.

The Ontario Tories paint the union dues clause as being "undemocratic" and frame their proposal to eliminate

automatic dues check-off as giving workers the individual choice to pay union dues or not. However, as David Doorey points out, “a union-dues clause only gets into a collective agreement if a majority of the employees covered by it vote for this clause. The same is true of every other clause in a collective agreement. It’s there because employees voted for it to be there. Contrary to the Tories’ propaganda, there is nothing ‘undemocratic’ about a union dues clause.”

Unions such as QUFA represent and serve their members by hiring professional staff, labour lawyers, pension experts, and the like. This costs money. We know empirically that unionized workers benefit from these expenses in the form of higher pay, better benefits and pensions, and more job security. The Rand Formula says simply that, since all employees who fall within the bargaining unit receive these benefits, it is reasonable to require them all to contribute towards the costs of operating the union. Efforts to eliminate the Rand formula in Ontario need to be opposed vigorously. In closing, it should be noted that there is debate among labour lawyers as to whether the Ontario PC proposal would withstand a constitutional challenge.⁷

Notes

¹For example, see Ontario Bill 115 (Putting Students First Act 2012) and the draft *Respecting Collective Bargaining Act (Public Sector) 2012*, which was under consideration when the Ontario legislature was prorogued in October (<http://www.fin.gov.on.ca/en/savings/protecting.html>). Note the use of Orwellian Newspeak in the naming of these acts!

²Furthermore, the House of Commons recently (December 2012) passed Bill C-377, ostensibly an amendment to the Income Tax Act, but one which singles out trade unions for an extensive array

of time-consuming and costly financial reporting requirements.

³See P. Schmidt. “New ‘Right to Work’ Laws Could Hobble Faculty Unions.” *Chronicle of Higher Education* 14 January 2013.

⁴This plan was announced in one of the so-called “policy white papers” that Hudak has issued over the last year (<http://www.ontariopc.com/paths-to-prosperity/flexible-labour-markets/>).

⁵http://www.washingtonpost.com/blogs/wonkblog/wp/2012/12/12/the-misleading-framing-of-right-to-work/?wprss=rss_ezra-klein

⁶<http://www.yorku.ca/ddoorey/lawblog/?p=5987>

⁷Unlike the United States, in Canada employees have a constitutional right to collective bargaining

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Have an Opinion?

Do you have an opinion about anything you have read in QUFA Voices? If so, send a letter to the editor!

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QUFA OPINIONS

Doubts about Queen’s Planning for Virtualization

The Academic Planning Task Force on Virtualization is fraught with problems in transparency and procedure that should be of concern to all Members

**Mark Jones
Co-Chair, Political Action and
Communications Committee (PACC),
QUFA**



When Queen’s Senate approved the Academic Plan in November 2011, it also provided that a new Academic Planning Task

Force (APTF) be struck each fall to address emerging issues. It recommended that the 2012-2013 Task Force focus on faculty renewal and “virtualization and online learning”—two of the larger gaps in the 2011 Plan.¹

Last February, Senate approved a motion to create this Task Force. The motion stipulated that the new APTF “us[e] the consultation process established by the 2010-2011 APTF (including but not limited to sponsoring a series of widely accessible town-hall meetings to address specific key issues, and the use of an interactive Web site).”² The new APTF members were appointed in May.³

The new APTF’s program for consultation, announced by the *Queen’s News Centre* in late November,⁴ comprises three online surveys, meetings with invited “guests,” and a town-hall meeting to be held in March. This bears little resemblance to the process established by the APTF in 2011, and the big difference is in transparency. The first APTF posted most of its consultative input for public scrutiny. We sought out and posted all available unit responses to Principal Woolf’s *Where Next*; our Web

page listed all our consultations and provided write-ups for many of them, so that anyone could see what we had been told; we posted our “four pillars” propositions and invited responses, which were also posted for all to read; we did the same with our drafts; and our consultations included three town-halls and two sessions with Senate.⁵ I emphasize this transparency because, as a member of the first Task Force, I put a lot of work into it as a matter of principle. If a small committee is delegated to draft planning on behalf of the whole academic community, it is crucial that the community know what the committee has been told. If it is mandated to consult, it is critical that its consultation be transparent. This is not solely to ensure trust, though trust is important. The real reason is more baldly practical: transparency is the best way to expose any gaps, misrepresentations, or imbalances in the committee’s input and thus to ensure that it proceeds on broadly representative and true information.

The greatest matter of concern to me in the new APTF’s process is its reliance on surveys. Surveys are notoriously untrustworthy instruments for consultation since so much depends on the questions, on how they are posed, on what answers are allowed, and on how the whole thing is interpreted. Especially where the aggregate results are kept to the surveyor, responding to a survey can be like giving a third party carte blanche to “tell us what we think.” In addition to these general liabilities, the APTF’s second survey, released in mid-December, has serious basic design problems.⁶ It includes questions where none of the permitted responses seem proper but where one can neither say “none of the above” nor skip the question. And even though it is meant to elicit input on the use of “blended learning” at Queen’s, it begins with a misleading definition. At Queen’s, “blended learning” means adding online resources to reduce face-to-face

classroom time. In the blended PSYC 100, for instance, “Course lecture time has decreased from three times a week to only once per week.”⁷ But the new APTF survey defines “blended learning” merely as “a mixture of online materials and classroom activities.” This bland and amiable definition is sure to elicit more positive responses than would the definition actually in use at Queen’s. However, when I pointed out the problem, I was told that “Queen’s administrators have no trademark on the term.” That is quite true (and apparently a good thing), and it is also true that in other institutions “blended” can mean other things. Nevertheless, the APTF is surveying people at Queen’s—about practices at Queen’s—in hopes of making recommendations for Queen’s. Using other institutions’ definitions in this context misrepresents the status quo. Meanwhile, despite widespread complaints about its second survey,⁸ the APTF has neither revised nor retracted it. One must hope that its planning recommendations for Queen’s won’t be based on assumptions more appropriate to the University of Alabama.

Notes

¹Queen’s Senate Minutes, Nov. 2012 (http://www.queensu.ca/secretariat/senate/agendasminutes/Nov22_11.pdf), p. 8.

²Queen’s Senate Minutes, Feb. 2012 (http://www.queensu.ca/secretariat/senate/agendasminutes/Feb28_12.pdf), p. 7.

³Queen’s Senate Nominating Committee Report, May 2012 (http://www.queensu.ca/secretariat/senate/agendasminutes/052212/May22_12AppG.pdf).

⁴“Senate task force seeks input about online learning,” *QNC*, 30 Nov. 2012 (<http://www.queensu.ca/news/articles/senate-task-force-seeks-input-about-online-learning>).

⁵See Mark Jones, “Restored Records for the 2011 Academic Planning Process.” *Real Academic Planning*, 12 Oct. 2011 (<http://realacademicplanning.wordpress.com/2011/10/13/855/>).

⁶http://www.queensu.ca/saptf/?page_id=864. See also Mark Jones, “Comments on the Most Recent Academic Planning Survey,” *Real Academic Planning*, 19 Dec. 2012 (<http://realacademicplanning.wordpress.com/2012/12/19/mark-jones-comments-on-the-most-recent-academic-planning-survey-19-december-2012/>). The latter re-presents the text of the survey in an appendix.

⁷“According to Brenda Ravenscroft, associate dean of Arts and Science, the full-year course PSYC 100 saw enrolment jump from 1,600 to 1,800 because it’s no longer limited by space. Course lecture time has decreased from three times a week to only once per week and four faculty members teach the course, compared to six in the non-blended format” (Vincent Matak, “Blended learning to draw more revenue,” *Queen’s Journal*, 16 Mar. 2012; <http://queensjournal.ca/story/2012-03-16/news/blended-learning-draw-more-revenue/>).

⁸See also the comments on the APTF Web site (<http://www.queensu.ca/saptf/>).

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Spread the Word!

QUFA encourages you to print out and post a copy of this issue of *QUFA Voices* in a visible place in your department or unit.

Thanks!

FYI

“Academia in the Age of Austerity”

The 2013 annual conference of the Ontario Coalition of University Faculty Associations (OCUFA) tackled issues of “Academia in the Age of Austerity”

By Diane Beauchemin
Vice-President, QUFA



The Ontario Confederation of University Faculty Associations (OCUFA) held its annual

conference on 10-11 January at the Pantages Hotel in Toronto. The theme was “Academia in the Age of Austerity.”

The event began with a presentation by André Turcotte (School of Journalism and Communication, Carleton University), who reported the results of 1,518 online interviews conducted on 10-14 December 2012 on public perceptions of austerity and higher education. The people interviewed mirrored the socio-demographic characteristics of the general Ontario adult population (from the latest census data) in terms of gender, earnings, children in university, etc. While 87% of Ontarians think that the most important issue for Ontarians is to reduce the provincial deficit, 74% of Ontarians would like university education to be a high priority for the

provincial government (the proportion rising to 87% for Ontarians with children in university). In fact, cutting funding of universities received the lowest support as a cost-cutting measure to balance the budget, with 52% of Ontarians believing it would negatively impact the quality of university education.

The fact that so many Ontarians are very concerned with the quality of university education may influence the outcome of a provincial election. In any case, 42% of Ontarians trust university professors the most when it comes to ensuring a high quality education, which represents a significant increase over last year (from 32% in 2011). And 68% of Ontarians consider that universities should combine research with teaching to fulfil their mandate. On the other hand, 79% of Ontarians oppose an increase in student tuition fees.

A panel discussion with Jim Stanford (Economist, Canadian Auto Workers), Alex Himelfarb (Glendon School of Public and International Affairs, York University), Derek DeCloet (Editor of the *Globe and Mail Report on Business*), moderated by Susanna Kelly (Editor-in-Chief and Queen’s Park Bureau Chief, www.ontarionewswatch.com) revealed that not only is austerity not the only option, but it is not the solution. Indeed, there is a gap between what Ontario can produce and what it actually does. If employment were to be increased, there would be no need to reduce spending.

Austerity is self-defeating, as it curbs growth, and it can actually make the deficit worse by reducing the number of jobs.

The recession was induced by tax cuts over a decade, with the government borrowing money to afford them. Before then, the government had reserves that could have provided a buffer against the recession. Austerity is ideologically driven, not based on a balanced approach. Different strategies can indeed be used towards reducing the deficit: invest in education and in the creation of jobs, raise taxes somewhat, be more relaxed on the timetable to balance the deficit (the government debt does not have to be repaid as long as the rate of growth is greater than that of the deficit), put idle money sitting in corporations back to work, etc. The government should put people and the environment in the centre instead of focusing on fiscal issues.

Joel Westheimer (Democracy and Education, University of Ottawa) made a lunchtime keynote address, moderated by Alan Hall (Labour Studies, University of Windsor). He talked about how the financial crisis of 2008, with the ensuing push for public austerity, is resulting in the corporatization of the university, which is decreasingly a centre of critical thought and of human development.

Another panel discussion with Glen Jones (OISE, University of Toronto) and Steven

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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 at robert.may@qufa.ca.

QUFA Voices is edited by Robert G. May (English). He can be reached at robert.may@qufa.ca.

Barrett (lawyer, Sack, Goldblatt, and Mitchell), moderated by James Bradshaw (postsecondary education reporter, *Globe and Mail*) pointed out that Ontario has the lowest per-student funding in Canada. Despite the fact that the 2011 Ontario budget promised a major investment in student financial assistance, this never really happened, with Glen Murray pushing for fast reform, which initiated a whirlwind of activity and resulted in proposals to shift from 4- to 3-year degrees, to increase online learning for undergraduate education, to have year-round education, to put emphasis on learning outcomes, to promote entrepreneurial education, etc. The government is taking steps to reduce expenditures, including in higher education.

Wage freezes are still believed to be part of the solution, but there is no real plan. The 2012 budget wants collective agreements that have no salary increases over the length of the contract and no grid movement whatsoever. Bill 115 gives the cabinet the power to mandate or impose bargaining outcomes. It reduced sick leave for teachers from 20 to 10 days. This mandate can indeed go way beyond compensation and can attack workload if it can be viewed as affecting the quality of services. Clearly, with education unions being under attack, other innovative ways to resist should be found other than just the right to strike.

A student panel with Jérémie Bédard-Wien (Association pour une solidarité syndicale étudiante), Laura Pin (Political Sciences, York University) and Sarah Jayne King (Chairperson, Canadian Federation of Students (Ontario)), moderated by Rod Skinkle (President, *Academica Group*), pointed out that when 75% of students went on strike in Québec, this was the largest demonstration ever in the province, which resulted in the resignation of the education minister and no increase in tuition fees. Such a rally of the troops is

not as easy in Ontario because, instead of a 75% proposed increase in tuition in Québec, a 5% annual increase has taken place in Ontario. In fact, depending on the program, tuition fees have increased by as much as 71% in 6 years. The continuous climate of austerity does not help, as there are less generous social services in Ontario than Québec. Because Ontario has the highest tuition fee in Canada, many students must work to pay for their studies, which, in combination with course work, leaves no time for political action. Furthermore, students would lose their student loans if they did not go to class (including for strike action). The 30% rebate offered by the government only applies to about 2 out of 9 students. As a result, over 53% (in 2005; even higher now) of students graduate in Ontario with debt, and an increasing proportion aims for programs leading to high-paying jobs.

The situation is even worse in England, as emphasized by Claire Callender (Birkbeck University of London), where 80% of the teaching budget was cut, most courses now being funded only via income from tuition fees. The 2012-2013 reforms, which include a raise in the cap on undergraduate tuition fees from £3,290 to £9,000 (\$14,458), resulted in a drop in applications and acceptances (the overall recruitment having fell by 11%) and in a typical student debt at graduation of \$70,000. Furthermore, there is no financial assistance for postgraduate education, and research funding is dependent on the rating of professors' research (which has to include a certain number of publications in high-impact peer-reviewed journals that are international, for instance).

The last panel discussion, with Jeffrey Williams (English and Literary and Cultural Studies, Carnegie Mellon University), Eleanor MacDonald (Political Studies, Queen's University) and William Locke (Higher Education Funding Council, England), and moderated by Jennifer Lewington (Canadian Correspondent,

Chronicle of Higher Education) pointed out that privatization is in action, with a huge increase in student debt resulting from tuitions now being the object of profit. In fact, tuition is seen as a youth tax, with students acting as consumers. In the U.S., there has been a large fall in the number of faculty, with 75% of positions being part-time, adjuncts, etc. (Similarly, in England, only about 25% of faculty are professors, with professional and support staff outnumbering academic people.)

Meanwhile, administration increases (along with their salary), while luxury gyms and dorms are being constructed to attract students (sounds familiar, eh!). Two thirds of undergraduates have \$28,000 in debt upon graduation. This debt is a form of classification, as students with debt are less likely to go for postgraduate studies. In Canada, academic standards are declining. With funding being tied to number of students, an increase in the student-to-faculty ratio occurs every year. This translates into a deterioration of work requirement from students, less opportunity for students to show what they know, increased opportunities for academic dishonesty, a trimming down of the curriculum, etc. Yet, nobody is saying "you are getting half the education that you got 10 years ago," because this might affect recruitment. With technical developments, there is a push for open-access courses and open-access research. Yet, the main reason behind the claim that online education works better than mass courses is financial, not academic.

However, while cuts to higher education are being made in England, Canada, and the U.S., several European countries continue to invest in education, despite the recession.

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GRIEVANCE CORNER

Being Interviewed as a Witness for a Workplace Investigation

Formal workplace investigations are becoming increasingly common. How should you handle yourself if you are asked to be interviewed for one?

By **Ramneek Pooni**
Grievance Officer, QUFA

and **Phil Goldman**
Grievance Officer, QUFA



Once extremely rare at Queen's, formal workplace investigations are becoming a norm at the University, and you

may be alerted about being interviewed for one. It may be as the complainant, or as the person complained against (the respondent), or as someone who has witnessed alleged actions giving rise to the complaint. This Grievance Corner is about the last scenario, which could include someone who was in the room when something was said, someone who was copied on e-mail directed at someone else, and so on.

For a formal workplace investigation, you would receive a letter from the Provost's office. Generally speaking, employees have an obligation to cooperate with the employer if asked to participate in an investigation. There are very few instances when you can refuse, such as when doing so could lead to self-incrimination (literally, criminal).

In the best-case scenario, investigations are conducted as soon as possible after the employer has been alerted to a complaint and has done its own due diligence to ensure that the situation is one that requires formal investigation.

Such haste reduces the chances of memory- and evidence-loss and helps to limit collateral damage that might result should the situation requiring investigation persist. Such haste might seem alarming to those being interviewed, as people normally need time to prepare themselves for what usually proves to be a stressful situation, but speed may actually be a good thing if it helps reduce uncertainty and bad feelings.

Either ahead of time or at the interview, the University or the investigator should give you the name of the interviewer, the terms of reference for the investigation, and also outline the need for confidentiality and what confidentiality means in that particular circumstance, as there is no one definition. Note that if a case goes to arbitration, then confidentiality can generally not be kept.

The questions asked at the interview should be relevant to the circumstances, as non-intrusive as possible, and should not become a "fishing expedition." You should answer the questions as clearly and succinctly as possible. If you do not know the answer, then say so. If you need time to think over your response, whether on-the-spot or by reconvening, then ask for it.

You are not under a general obligation to "tell on" co-workers unless there is a clear safety issue involved, including both physical and psycho-social safety. Be aware, though, that if you choose to be silent about anything, and if your silence hinders the employer in collecting relevant and reliable information on which it can base its decision, this may weigh against you should the process end up at arbitration or in court. That said, you need to answer only the questions asked. Lying or misleading is obviously wrong.

As a witness, you may or may not be invited to bring along someone for

support; witnesses do not normally have the right to do so. If you are not invited to but wish to bring someone, it is wise to alert the investigator well ahead of time in case there are any complications attached to doing so. If you do take someone along, remember that that person cannot participate in the interview: you are the one being interviewed and you must answer the questions. It is up to you whom to bring along so long as that person does not pose a problem for the investigation and abides by the confidentiality rules. We encourage you to take someone along if you are allowed so that you can concentrate on answering the questions rather than on scribbling notes during the meeting.

At the end of an investigation, the investigator will normally submit a report to the employer. The report should not be determinative, but rather one piece of evidence that the employer can use for decision making. Please keep in mind that should any administrative action be taken as a result of an investigation report, the investigative process and the administrative action are open to scrutiny and, if need be, the administrative action may be grieved. If the matter goes to arbitration, those interviewed by the investigator may be asked to tell their story again, this time to an arbitrator and with a potential for cross examination.

If you have any questions or concerns, please contact QUFA. Should you become concerned during the course of the interview that you are being investigated for wrongdoing yourself, and are no longer merely a witness, you may end the interview in order to arrange for union representation. In such a case, we urge you contact QUFA.

Ramneek Pooni can be reached at poonir@queensu.ca.

Phil Goldman can be reached at phil.goldman@qufa.ca.

ON THE WEB

Leadership, Feminism, and Equality in Unions in Canada

By Linda Briskin, Sue Genge, Marg McPhail, and Marion Pollack
Coordinators, Leadership, Feminism, and Equality in Unions in Canada

Please visit the new Web site for the project on Leadership, Feminism, and Equality in Unions in Canada.



<http://womenunions.apps01.yorku.ca/>

This project explores the current climate and attitudes to women, feminism, leadership, and equality in Canadian unions through the insights, voices, and experiences of women union leaders, activists, and staff. Women from seven provinces and territories were involved, including retired and still active staff, leaders, and activists; racialized and Aboriginal women; lesbians and young women; and women from public- and private-sector unions and central labour bodies. Our findings do not address the situation in Québec.

The discussions were wide-ranging, analytical, and deeply moving. What emerged was a widespread consensus that there is a serious problem within the labour movement in advancing women's equality work and supporting feminist activists at all levels. Union women, however, still share the optimistic belief that organized labour

QUFA CALENDAR

Important Upcoming Dates

Executive Meetings

Wed. 9 Jan. 2013	3 p.m. – 5 p.m.	West Lakeview Room, University Club
Mon. 4 Feb. 2013	3 p.m. – 5 p.m.	West Lakeview Room, University Club
Thurs. 7 Mar. 2013	3 p.m. – 5 p.m.	West Lakeview Room, University Club
Tues. 2 Apr. 2013	3 p.m. – 5 p.m.	West Lakeview Room, University Club
Wed. 1 May 2013	3 p.m. – 5 p.m.	West Lakeview Room, University Club
Mon. 3 June 2013	3 p.m. – 5 p.m.	West Lakeview Room, University Club

Council of Representatives Meetings

Tues. 22 Jan. 2013	3 p.m. – 5 p.m.	Lower-Level Conference Rm., Univ. Club
Wed. 13 Feb. 2013	3 p.m. – 5 p.m.	Room 415, Chernoff Hall
Mon. 18 Mar. 2013	3 p.m. – 5 p.m.	Room 202, Chernoff Hall
Tues. 16 Apr. 2013	3 p.m. – 5 p.m.	Room 415, Chernoff Hall
Thurs. 16 May 2013	3 p.m. – 5 p.m.	Room 415, Chernoff Hall

Spring 2013 General Meeting

Wed. 24 Apr. 2013	1.15 p.m. – 3 p.m.	The Auditorium, Ellis Hall
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has played and can continue to play a critical role in challenging inequality.

The “What Are We Finding?” tab highlights six themes: 1) new and recurring resistance to feminism in the labour movement, 2) the impact of the current economic and political climate on equality organizing, 3) integrating the equality agenda into union structures and culture, 4) the intersection between feminist and equality organizing, 5) feminist organizing in the union movement, and 6) strategies for moving forward.

The “Union Equity Audit” tab offers a tool to explore the changing patterns of women's equality issues and leadership inside unions. Many union sisters have filled it out, and the audit is generating some informative and thought-provoking numerical data. We encourage union sisters to fill out a copy.

You may also use the audit as an education and organizing tool. Fill it out with a group of union women or in your union women's committee. Report your findings to your union. Please also consider sharing the results with us.

On the “Links” tab, a Youtube video called “Rising Up Strong: Women Organizing for Change” is now available. Originally made in 1981 (by Linda Briskin and Lorna Weir), “Rising Up Strong” was updated in 1992 through the inclusion of an additional segment on the changes—many as a direct outcome of feminist organizing—which had taken place in the intervening decade. In 2013, “Rising up Strong” stands as an historical reflection on women's organizing and a tribute to continuing struggles.

Linda Briskin, Sue Genge, Marg McPhail and Marion Pollack can be reached at womunion@yorku.ca.

GET INVOLVED

Help QUFA Make a Difference!

There are numerous opportunities for you to get involved with your faculty association

By Diane Beauchemin
Chair, Nominations and Elections Committee, QUFA

The Queen's University Faculty Association invites you to take an active role in 2013-2014.

For the purposes of annual performance reporting (as per Collective Agreement Article 7.6.4), QUFA service is University service.

Working with colleagues all across campus, QUFA volunteers learn who the university is and how it works. With the proliferation of highly paid administrators and the non-replacement of retiring faculty, it is especially important to monitor what is going on closely to keep the employer honest.

Don't have much time? QUFA volunteers can make commitments of any scope, large or small. All help is truly welcome. QUFA has needs and places for diverse talents, viewpoints, and interests.

For instance, any QUFA member may serve on the following committees or groups:

- **QUFA Council** (as Representative for one's own academic unit or a membership group such as Term or Continuing Adjuncts)
- **University or Senate committees** (as a QUFA designate or observer)
- **QUFA subcommittees** for specific issues:
 - Benefits Oversight Committee
 - Budget Analysis Review Committee
 - Adjuncts Scholarly Research and Creative Work Fund
 - Ad Hoc Pension Committee
 - Web Site Committee;
- **Political Action and Communications Committee (PACC)**
- **Joint Committee to Administer the Agreement (JCAA)**
- **Committee to Manage the Collective Agreement (CMCA)** (which is QUFA's Advisory Committee to the JCAA) or on its subcommittee
- **Grievance Committee**
- **QUFA Executive** (as the Vice-President position will need to be filled)

Some of these positions require only a few meetings a year. Positions on the Executive and on standing committees are typically more active, requiring one or two meetings per month. The most demanding roles may be compensated by course relief.

All QUFA work aims to improve and maintain the working environment at Queen's.

If you are interested or require more information, please contact Diane Beauchemin or Elaine Berman.

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Elaine Berman can be reached at qufa@queensu.ca.