

## *McGill Association of University Teachers*

### **MAUT MID-YEAR REPORT 2011-12**

#### **Introduction**

Since 1951 MAUT has played an important role in McGill governance and in shaping the conditions of academic employment at McGill. MAUT's work includes internal deliberations relevant to faculty concerns and interests (through the MAUT Executive, Council, Finance, Nominating, Membership, Retiree, Tenure mentoring, Faculty club, and Non-discrimination committees), formal consultation with the administration over academic compensation (salaries, pensions and benefits), and statutory participation on university committees (intellectual property, long-term disability, sabbatical leaves, university appeals, staff grievances and appeals, women, daycare, harassment and discrimination, etc.). The contributions of MAUT may not always be immediately visible to its constituency, since much of its work is carried out through consultation with the administration and through committees. For MAUT Committees, please see the MAUT web page at <http://maut.mcgill.ca/committees.php>

To bring the MAUT membership and other academics it represents up to date, we have prepared a Mid-Year Report on some of our most important activities and accomplishments during the Fall Term, 2011. This was an especially difficult and contentious period, beginning with dismaying decreases in university contributions to employee pensions and benefits, continuing with deep divisions over the strike of non-academic accredited workers, and culminating in the unfortunate intervention of the Montreal Riot Police on the McGill campus. MAUT has both taken public positions and pursued collegial consultation with the Administration on these issues and the many other activities that this Report reviews. The following summarizes the information developed in further detail below, on initiatives that were accomplished during the Fall Term, 2011, or are now underway:

- Persuading the administration to revise a number of decisions taken regarding academic compensation and putting in place procedural safeguards to ensure that proper consultation pertaining to academic compensation will take place in the future;
- Discussing a new three-year salary policy with the administration via CASC;
- Providing information sessions on many key problems, including retirement, grant management, the career cycle, renewal and tenure, the MUNACA strike, the pension plan and the events surrounding November 10<sup>th</sup>;
- Striking a broad-based committee to review investigative reports on the November 10<sup>th</sup> events and proposing recommendations for improved governance;
- Striking a committee to work in collaboration with the administration to arrive at a McGill specific statement on academic freedom;
- Sponsoring regular meetings for employee representatives to prepare them for meetings of Senate and of the Board of Governors;
- Vetting draft university policies and regulations, and reviewing and proposing names for membership on university committees; and

- Formulating guidelines to serve to reinvigorate faculty councils in support of collegial process.

### **Academic Compensation**

There are three areas of academic compensation that come under the mandate of the parity Committee on Academic Staff Compensation (CASC): Pensions, Benefits, and Salaries. Pensions are also the business of the Pension Administration Committee (PAC) on which two academic representatives sit, while Benefits are also managed by the Staff Benefits Advisory Committee (SBAC) on which three academic representatives named by MAUT sit. However, all questions of compensation ultimately come to CASC for review and consultation. All three areas of compensation have involved prolonged and contentious debate with administration representatives over the last six months, with outcomes that I will now present.

### *Pensions*

Most of you are aware that Amendment 24 was recommended by the PAC and subsequently approved by the Board of Governors *without* consultation with the employee groups. So in recent months, MAUT has engaged in intense meetings over the governance of pensions, and in particular the right of academics to systematic consultation over any changes in the McGill University Pension Plan (MUPP). MAUT has acknowledged that McGill faces serious problems of pension underfunding and has supported increases in member contributions to help address this, a response followed in essentially all Canadian universities. However, on the grounds of equity, age discrimination, and retroactivity, we have strenuously objected to Provision 2 of Amendment 24 that, as of 1 January 2012, would eliminate university contributions from 65 to 69 for members who have continued to contribute their full-time services to the university. Accepting our governance argument that CASC was inappropriately bypassed when Amendment 24 was approved, the administration has reaffirmed that academics must be consulted, through CASC, on all matters of academic compensation, to review proposed changes both before they go to the PAC or SBAC and also after those committees issue their recommendations, before they are sent to the Board of Governors for approval.

Regarding the substance of Provision 2, the administration concurred that members working from ages 65-69 should not be deprived of all university pension contributions, and agreed to a compromise that would give those members a 5% contribution (less than the previous 10%, but more than the 0% that Amendment 24 proposed) on their pensionable earnings, discounted against supplemental payments made at 65 according to Defined Benefit Minimum calculations. It should be emphasized that neither Amendment 24 nor subsequent agreements affect the actual structure of the Pension Plan or the amounts that each individual holds in his or her account. We continue to negotiate with the Administration regarding other provisions of Amendment 24. For further information, please see the MAUT Pension Plan Update of January 7, 2012, as well as the November 2011 Issue of the MAUT Newsletter.

## *Benefits*

MAUT also objected strongly to proposals made in July 2011, which would decrease university contributions to the Benefits package for post-retirement members that up to then had been divided 50/50 between members and the university. They proposed implementing a 30/70 split for health benefits and a 100/0 split for Dental. Our calculations indicate that a retiree with Single coverage would pay an additional \$439 while retirees with Family coverage, would pay \$347.38 for the additional health premium, and \$588 per year for Dental coverage, for a maximum increase of \$935 per year. It should be emphasized that changes to the regime of premiums for retiree benefits do not affect the actual program of benefits, which remain the same.

The reasons why the administration wanted to make these cuts in payments for post-retirement benefits are twofold: first, at a time of budget constraint, it would save them approximately \$1m per year; second, the deferred costs of retiree benefits to the university (through premium matching) affects the liability carried into the future by McGill under the new Generally Accepted Principles and Practices (GAPP) for accounting, so by decreasing obligations to retirees, this 'exposure' and its effects on McGill's future credit ratings would be reduced. When these proposed changes were presented in July 2011, *they were soundly rejected by all four employee groups represented at SBAC*, including the three MAUT representatives, but, given the "advisory" status of SBAC, the proposals remained very much alive. In discussions at CASC pursued over the last few months, MAUT has argued that to make these changes retroactively was unfair to members already retired (who are now on fixed incomes) or to those already engaged now in financial planning for their upcoming retirements.

Granting the validity of MAUT's arguments, the Administration pulled the imposition of these cuts to existing retirees off the table, a concession that also benefitted the other employee groups. After further discussion, it was agreed that these changes would not come into force for retirees until May 31<sup>st</sup>, 2016, which will provide additional time for those planning their retirement in the near future. These changes mean that, as of June 2016, retiring members would pay the additional amounts described above for insurance coverage, while retaining the same Benefits package. We consider this a significant improvement on what was brought forward in July, since it protects members already retired and those who will be retiring before mid 2016.

See <http://maut.mcgill.ca/committees.php#benefits>

## *Salaries*

Academic salaries represent the largest single category in the university budget. For many years, the administration has affirmed that McGill's academic salaries should rise in the medium term to the mean of the G-15 (those Canadian universities most similar to McGill in size and research emphasis), with the 'aspiration' to rise to the top of the Canadian ladder as financial conditions allow. It has also been agreed that academic salary policy should be formulated on a three-year revolving basis, as was the case when salaries were agreed upon for the 2008-2011 period. As many of you know, that three

year period was extended to a fourth year (through 2011-12), when the university pleaded for two 6-month postponements of academic salary increases due to financial pressures emanating out of the 2008-09 economic downturn. In December 2011, the last academic salary increase was given, which will have appeared on your pay slips. Salary policy always includes an across-the-board (ATB) 'Scale' increase and a Merit Envelope, the latter awarded to academic staff members in equal increments across 5 Merit categories according to assessments made by department Chairs and ratified by faculty Deans. The raise just received reflected the merit exercise pursued in the Winter Term, 2011, assessing your achievements in 2009-10.

Given current financial instability, late last year the administration proposed that we formulate salary policy for a single transitional year (2012-13), and then move to consideration of another three-year period of salary increases (2013-2016). Given that salary discussions in the context of financial uncertainty would not tend to favor academics, we agreed to that proposal. For 2012-13, the administration offered a 3% package, including 1% for ATB and 2% for merit. We insisted on receiving the provincial maximum for scale increases of 1.2%, and for an additional merit envelope based on the envisioned cost to members of the cuts to university post-retirement benefits premium contributions, to bring merit up to 2.3%. As a result, the 5 Merit categories will be the following: \$0, \$750, \$1600, \$2,400, and \$3,300. For an overall academic salary mass of about \$200m at McGill, a 1% raise represents about \$2m. Our successful argument for a somewhat higher salary increase over the original offer, to partially compensate for previous salary deferrals and future reductions in benefit contributions, brought about an increase in 2012-13 academic salaries of about \$1m, for a total 3.5% increase amounting to about \$7m. Another positive feature is that this increase will take effect in June 2012 rather than the following December.

Discussions of the next three-year round of salaries will take place over the next few months. We are arguing that the academic performance that brought us to the top of university rankings in Canada - a position of excellence in which the Administration takes great pride - should be compensated for by salary levels among the highest in Canada. We are gathering and analyzing information on comparative salaries among the G-15 universities in order to make the most persuasive case for significantly raising our salary levels over the following three-year period.

See <http://maut.mcgill.ca/committees.php#salary>

## **The MUNACA Strike and the Events of 10th November**

### *MAUT's Position on MUNACA Negotiations*

MAUT members were divided on the wisdom and merits of the McGill University Non-Academic Certified Association's protracted strike, and MAUT did not take a formal public stance for or against. However, we publicly agreed with MUNACA's protest against unilateral changes to the Pension and Benefits regimes and their interest in a Benefits governance system that ensured a stronger employee voice. We also conveyed our support for giving MUNACA a more flexible set of salary steps according to which their careers could be defined. We were not in a position to comment on MUNACA

salary demands, since we – like everyone else except the negotiators – did not have accurate information regarding their demands or about the comparative salary scales found at other Montreal universities or in equivalent industries. Given strong opposition from our own members, we did not support making seniority the overriding criterion for hiring in departments and research units. On the governance of employee Benefits, we designed a new framework for mandatory consultation that contributed to the agreement finally reached. To facilitate discussion among academics, we convened a Strike Forum where the strike was debated. In the end, the MAUT positions on non-salary issues were close to the terms of the agreement that was struck between the parties.

### *The Question of Academic Work during the Strike*

Responding to questions posed by academics about what tasks of MUNACA workers they could properly carry out in the context of the strike, MAUT sought legal advice from Quebec and Canadian faculty associations (FQPPU and CAUT) and from within McGill, examined policy information available elsewhere, and reviewed the outcome of legal cases where ‘struck work’ was in question. The CAUT Policy on the matter can be found on their web site (<http://www.caut.ca/pages.asp?page=255&lang=1>). What was especially difficult to assess, for instance, was the question of whether the academic staff should be limited to work that they actually have routinely performed or that which is intrinsic to their positions. In the latter case, the breadth of duties included in teaching, research and service might allow them to carry out many (but certainly not all) functions that were in practice performed by workers on strike. Also, many academics, no matter their position on the strike, felt an ethical obligation to minimize the effects the strike could have on their students.

### *The Events of 10<sup>th</sup> November*

The occupation of administration offices and the action of Riot Police on November 10<sup>th</sup>, which arose out of the strike and the Montreal student demonstration against tuition hikes, came as a shock to everyone. MAUT was involved in organizing a meeting of Senate members to provide consultation and advice on the administration’s response, and in convening a Forum with the Principal where academics defined an agenda of issues, and posed numerous questions, to which Principal Heather Munroe-Blum and Provost Anthony Masi responded. Behind the scenes, MAUT urged that the administration distance itself from the unwarranted actions of the police on campus, and recommended that the investigation of Dean Jutras be widened to include academics and students not involved in administrative service. An elected *ad hoc* committee was struck to formulate a motion and further steps by MAUT, its report circulated to academics on December 14<sup>th</sup>. Given apprehensions that the Jutras investigation report might have too narrow a mandate to take account of the wider context within which the 10 November events occurred, a broader-based MAUT committee has been formed, with representation from the academic, non-academic, and student bodies, to examine all reports on those events and gather any additional information needed before formulating recommendations to Senate and the Administration.

## **Academic Freedom**

Fortuitously, questions regarding academic freedom raised in the context of the strike were reinforced by a controversy over the formulation of a new statement on Academic Freedom by the Association of Universities and Colleges of Canada (AUCC), said to have been ratified unanimously by members present. The Canadian Association of University Teachers (CAUT) criticized the statement for developing a more restricted notion of Academic Freedom, in particular failing to make reference to the right of academics to criticize their own institution or to protect all three areas of academic work – teaching, research and service. Indeed, the President of the University of Toronto disavowed the AUCC statement and concurrently resigned from the AUCC Board. At McGill, the Provost routinely makes reference to the centrality of the principles of Academic Freedom at McGill in presentations to new faculty members, but the institution does not have a formal statement on Academic Freedom as part of its mission statement. Accordingly, MAUT Council moved the creation of a committee to work, in cooperation with the administration, to formulate such a statement on Academic Freedom that would provide academics guidance and protection regarding their exercise of such freedoms in their teaching, research and service, and the assertion of the autonomy of the university from undue outside influence on academic exercise of freedom within those domains of activity.

## **Protection of its Membership**

One of the most important functions of MAUT is performed in confidence, without public attention; that is, the provision of advice, guidance and support for academics during any procedures that might threaten their well-being or security of employment. This includes but is not limited to matters that relate to contract renewals, tenure or promotion hearings, grievances and/or disciplinary matters. This year, MAUT has received over 150 requests for advice by faculty members covering such matters as: access to information, benefits, child/day care, conflicts of interest, consulting, discipline, harassment, leaves of absence, post retirement appointments, pensions, promotion, reappointment, resignation, retirement, sabbatical leave, salary, severance, space/lab allocation, spousal hiring, student grievances, tenure, vacation, etc. Also, MAUT has provided advice and support in 21 formal dossiers concerning such matters as university appeals, work place discipline, grievance, access to information, sabbaticals, harassment, and student grievances. In this, MAUT relies on the MAUT-Professional and Legal Officer and a corps of experienced and skilled academic advisors, a group that is in the process of renewal. In addition, MAUT continues to support an on-going case concerning the dismissal of a McGill Professor that is presently before the Quebec Labour Tribunal.

## **Meetings with the Principal and the Provost**

On a monthly basis, the MAUT President and Past-President meet with the university's two chief administrative officers to discuss important issues of the day. At these meetings, we have raised numerous contentious issues in an informal context that allows us to make the Administration aware of points of concern and criticism held by

our members. Discussions over the last 8 months have included the following issues: the Faculty of Management privatized MBA program; the ongoing role of retired academics; MAUT proposals for reforms to the grant management process; implications of the report of the Principal's Task Force on Diversity, Excellence, and Community Engagement; MAUT's advisory role in grievance, discipline and tenure cases; the engagement of academics during the MUNACA strike and its implications for their work; the rights of departments regarding faculty changes in departmental structures; the process of appealing merit awards; academic involvement in and effects of the Strategic Reform Initiative (SRI); the erosion of a sense of collegiality in relations between academic faculty members and the administration and Board of Governors; proposals for reform of Pension and Benefits consultations; the financial implications of changes in Pension and Benefits Plans; and increased financial support for MAUT course relief. We stand ready, as always, to present other issues of importance raised by McGill academics.

### **The role of MAUT at Senate and the Board of Governors**

MAUT always ensures that some of its members stand for election to the McGill Senate, and they provide oversight through membership on key committees, such as Senate Steering and Senate Nominating Committees. This year, MAUT members have posed formal questions at Senate on issues relevant to the interests of academic members, such as: understanding what recommendations were contained in a Strategic Reframing Initiative (SRI) report from the McKinsey Group, what their implications would be for the allocation of university resources; the effects of reductions in funds for TAs on academic workloads and the quality of teaching; whether disciplinary measures would be brought against faculty who fulfilled their academic duties in ways that expressed symbolic support for the strike; whether in the interests of openness and transparency, Senate should use other methods of media transmission to make its meetings more accessible; and whether a proposed procedure asking graduate supervisors to both identify and solicit external examiners did not involve conflict of interest. MAUT routinely reviews proposed changes to university regulations in order to ensure that the interests of academics are safeguarded before they are brought to Senate for approval, and fulfills a statutory responsibility to nominate academic representatives to key Senate committees, including the Employment Equity Oversight Committee (and its Academic Equity Sub-Committee), academic assessors for harassment cases, and so forth. MAUT convenes a 'Pre-Senate' meeting for academic, non-academic and student members of Senate where matters of Senate business are reviewed and discussed and responses prepared and, to the extent it is desirable, coordinated. MAUT also convenes a 'Pre-Board' meeting for the MAUT Executive Committee and employee representatives of the Board, to review issues arising and discuss the implications of items of business for the interests of academics and the university as a whole.

### **Special MAUT Informational Meetings Convened for Faculty**

MAUT considers providing information to faculty an especially important responsibility, and for that reason we convene Meetings or a Forum on a routine or exceptional basis for addressing the following issues: Tenure Review Processes; Pension

and Benefits Plans and changes to them; the academic career and life-cycle and preparing for Retirement; facilitating Grant Management. As previously mentioned, we convened three Forums that addressed exceptional issues facing academics, namely a Strike Forum, a Principal's Forum on the events of 10<sup>th</sup> November, and a Forum on the Pension Changes. We usually hold these meetings at the Faculty Club, which is a privileged space for exchanges relevant to McGill's academic staff.

### **Summary of Issues on MAUT's Current Agenda**

As this is a Mid-Year Report, it deals with many issues that are ongoing. Let me summarize here the most pressing questions that remain on our agenda for the rest of the 2011-12 academic year.

#### *Pension Plan Changes*

We will soon be addressing the two remaining issues pertaining to Amendment 24, namely Provision 3 regarding the proposed sharing of the Pension Plan deficit between the university and plan members (which we oppose), and Provision 4 regarding the elimination of stipends from calculations of the DBM (which, with reservations, we support).

#### *Governance of Academic Compensation Matters*

We will soon be finalizing discussions about strengthening the authority and organization of consultations regarding compensation, firstly in the Committee on Academic Staff Compensation (CASC), secondly in the reform of the advisory committee that oversees the Benefits Plan. While neither of these committees can override the Board of Governors' responsibilities for financial oversight of the university, we insist that recommendations should never go forward to the Board that have not been duly vetted and examined by these committees, and either gain their strong support or are accompanied by formal reservations expressed by the entire committee or a significant part of it.

#### *Academic Salary Policy*

We now begin consultations over the next three-year academic salary policy. We are framing all discussions of academic salaries within the context of the salary situation and long-term compensation trends in comparator universities in Canada, most notably the group of G-15 research-intensive universities. Our position is that McGill's superb performance on national and international rankings of universities, an outcome of the excellence of its academic staff, should be reflected in the compensation McGill's academics receive. Our view is that our rightful position in terms of salaries is among the top three of the G-15, consistent with our academic performance.



## *Academic Freedom*

We look forward to reviewing the historical evolution of principles of and policies on Academic Freedom in other universities and academic organizations in Canada, the United States, and elsewhere, and in cooperation with the administration formulating a statement that draws from that broader experience but is appropriate to McGill's own history and the needs of its academic body, for approval by Senate.

## *McGill Policies and Governance in light of the events of 10<sup>th</sup> November*

Through its broad-based committee, MAUT will contribute to formulating recommendations concerning administrative policy and governance aimed at confirming the rights of students and faculty to exercise Academic Freedom and the Rights of Free Speech at McGill, while providing transparent and well-ordered security services.

## **Conclusion**

This Report has reviewed a diverse set of activities pursued by MAUT officers and committees in a setting of discord and upheaval on campus during the Fall Term, 2011. In particular, we have described outcomes of consultations held with the Administration over three areas of academic compensation - Pensions, Benefits, and Salaries - and agreements reached over the terms of compensation and, given what we have seen as unacceptably unilateral changes to regimes of Pensions and Benefits, policies of mandatory consultation that will be followed in the future. We discussed issues concerning academics that were raised by the MUNACA strike, most notably our position on negotiations and legitimate work that could be performed by academics, and our role in convening meetings to allow academics to discuss the strike and the 10<sup>th</sup> November events, and in striking a committee to consider recommendations arising from those events.

Looking forward, the Report presented a set of five issues that remain on the MAUT agenda, focusing on discussion of academic compensation issues with the Administration and finalizing reforms to governance to avoid any future surprise changes made without consultation with employee groups, especially with the Academics who as a collective body define what the university is. We invite you, members of McGill's faculty, to contribute your views regarding these issues, and to send us further questions regarding what we have accomplished and what remains to be done.

**John G. Galaty, President**  
**25 January 2012**