
MAUT Council Meeting

MINUTES

Wednesday, December 9, 2015
McGill Faculty Club 12:00 noon

Present:	
Executive:	D. Lowther, A. van den Berg
Council:	E. Shor, M. Richard, C. Riches, J. Cooperstock, E. Duffy, R. Sieber, N. Kamran, T. Moore, K. GowriSankaran
Regrets:	K. Hastings, A. Shrier, A. Saroyan, T. Hébert, D. Titone, S. Algieri, V. Raghavan, D. Covo
Guests:	E. Zorychta, J. Burpee, L. Thibault
MAUT Staff:	H. Kerwin-Borrelli, J. Varga

D. Lowther called the meeting to order at 12:24 pm.

1. Approval of Agenda

Council reviewed the Agenda for the December 9, 2015 Council Meeting. There was one change. In Agenda Item 4, the presentation was made by E. Zorychta and (a) Assoc. Provost A. Campbell, (b) RIO A. Fuks and (c) VP RIR R. Goldstein did not attend. With this change, J. Cooperstock moved to adopt the Agenda. Seconded by E. Shor. There were no objections. The Agenda was approved.

2. Approval of Minutes

The Minutes of the November 4, 2015 Council meeting were forwarded Council and corrections were incorporated in the final version presented today. A. van den Berg moved to adopt the Minutes. Seconded by E. Duffy. There were no objections. The Minutes were approved and will be posted on the website.

3. Business Arising

There was no Business Arising.

4. Presentation: Revisions to the Regulations Concerning the Investigation of Research Misconduct [E. Zorychta]

E. Zorychta, MAUT Advisor and member of the Working Group that has met for several months with Associate Provost A. Campbell and Research Integrity Officer [RIO] RIO A. Fuks to work on revisions to the Regulations. She noted significant changes from the original document, including clarification of definitions and wording improvements. Major concerns were to update the document to deal with recent situations and to provide adequate protection for both the complainant and the respondent.

E. Zorychta noted that clauses were strengthened to provide protection from unscrupulous complainants and potential *career-ruining* consequences for the respondent. The RIO will make a value judgment and decide if there is credible evidence *to warrant an investigation and whether or not the complainant should be informed.*

Council reviewed the document and discussed the following:

- The respondent's and claimant's right to have an advisor
- The respondent's right to know of the allegation
- The complainant's *right to know* concerning the case and notifications by the RIO
- Addressing allegations of plagiarism at the undergraduate and graduate student levels

- Challenges made to facts or conclusions reached by the Committee (group assembled to investigate allegations of Research Misconduct) and the respondent's appeal on procedural grounds
- In section 9.6, to add the words: Complainant, *if appropriate*
- In section 11.7, to correct the text to read: a *representative* of the McGill Association of University Teachers
- Council expressed concern that some scientists publishing on climate change have been targeted by industry using false accusations through the Research Misconduct Policies at universities. These are potentially career-ruing allegations. E. Zorychta commented the current document provides safeguards.
- Council asked about the number of cases on an annual basis and which fields were most investigated.
- The RIO will report annually to Senate
- The RIO has relevant expertise needed to oversee biomedical cases
- Council commented on the language used in the Research Misconduct Policy, the Academic Misconduct Policy, and the Employment Regulations
- Council commented on the language used to define financial misconduct and financial mismanagement

The discussion concluded and the *proposed* textual changes will be forwarded to Assoc. Provost A. Campbell for inclusion in the document.

A. van den Berg moved and T. Moore seconded:

That MAUT Council, at the December 9th, 2015 meeting, approve the proposed text of the Regulations Concerning the Investigation of Research Misconduct and include the two textual revisions.

A vote was called and the document was unanimously accepted. D. Lowther thanked E. Zorychta and the members of the Working Group.

5. President's Report [D. Lowther]

- **Request for candidates to serve on a committee to review Research Portfolio Guidelines**

D. Lowther asked for volunteers to serve on a committee, organized by Assoc. Provost A. Campbell, to review the Guidelines for Developing a Research Portfolio. The draft document will be forwarded to Council members for their comments and track changes.

M. Richard noted that at the August 2015 Senate Orientation session, A. Campbell outlined her intention to create two more appendices to the Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff, to supplement the existing Appendix A (Guidelines For Developing A Teaching Portfolio): a set of Research Portfolio Guidelines in 2015-2016 and a set of Service Portfolio Guidelines in 2016-2017.

R. Sieber volunteered to serve on this committee.

- **Letter to SBAC Administration representatives**

D. Lowther referred to the letter sent to SBAC Administrative representatives, VP Finance, M. Di Grappa, Associate VP Human Resources, L. Gervais and SBAC Chair, M. Yalovsky on November 25, 2015. The letter emphasized that the individual member-constituencies are the

only ones who can legitimately survey members on a proposed change from current universal to flex benefits coverage.

Council discussed the following:

- All SBAC initiatives must come to CASC for discussion prior to presentation at the Board of Governors
 - E. Zorychta, MAUT SBAC representative, commented on a CAUT analysis of flex plans which noted the costs would be offloaded from the employer/provider to the employee.
 - E. Zorychta noted the strategy with *flex plans is to maintain stable contributions from the employer while subsequently increasing the employee contributions. Flex plans eliminate universal group coverage and divide the employee community into separate categories.*
 - Currently, there is *unanimous* support by SBAC member-constituencies to continue universal community coverage
 - E. Zorychta noted new, more effective and expensive drugs will be available shortly and adopting a flex plan *would restrain* compensation costs for the University *and increase the costs for those who need the medication.*
 - The representatives of SBAC member-constituencies signed a letter [Oct 28/15] which was sent to Provost Manfredi, VP Finance M. Di Grappa, and SBAC Chair M. Yalovsky, and which outlined Retirees' concerns and support for continued universal coverage.
- **Working Group for the International Consultation Deck**

D.Lowther has requested more time to report back to Principal Fortier on MAUT's input concerning the International Consultation Deck. The deadline has been extended to the end of January 2016. A. Van den Berg moved and M. Richard seconded the motion:

That Council strike a Working Group to review the document on the International Consultation Deck, as requested by Principal Fortier, and submit a written response at the end of January 2016.

The motion was approved unanimously. D. Lowther asked for volunteers from Council and will contact other candidates.

• **Report on MAUT's submission to the ITS-CIO cyclical review**

D. Lowther reported that he and F. Ferrie met with the cyclical review team on December 01/15 to present the results of the MAUT IT @ McGill Feedback Survey. The survey summaries were well received. R. Sieber suggested that MAUT invite the CIO to make a presentation at Council. D. Lowther indicated that, in 2016, members of the Administration will be invited to attend Council meetings.

6. CAUT and FQPPU Issues [A. van den Berg]

A. van den Berg reported that at its February 2016 Conseil the FQPPU intends to compare best practices of the member unions and associations with respect to informing and mentoring their members. He will present a summary of MAUT's information and mentoring activities at that meeting.

M. Richard forwarded an outline of the Library's Peer Mentoring Program.

A. van den Berg also noted that information is shared through MAUT's Newsletter, MAUT's presentation at the Orientation for New Tenure-Track Academics, and at the annual Tenure and Mentoring Forum.

He noted the FQPPU has requested an Anglophone representative to sit on the panel which awards the Guy-Rocher Prize. He has contacted Prof. M. Baines, a recipient of this prize. He asked Council to propose plausible nominees whose names he will forward to the FQPPU.

At the CAUT Council, he met J-M Lafortune [FQPPU President] who is seeking to launch an initiative that, instead of a small number of professors receiving the bulk of research funds, every professor would receive an annual research grant of \$10K.

The student delegates have been discussing the merits of the *Conseil des universités* versus the *États généraux*.

Prof. P. Yachnin [Arts–English] has been named to provincial working group *sur la formation doctorale* as a representative of university professors but not as a MAUT representative. He will report to Council.

CAUT's Ad Hoc Investigatory Committee is looking into the dismissal of a MAUT member. J. Kingma, [CAUT] wishes to conduct a site visit and interview McGill personnel who were involved with this case.

There are new efforts at CAUT to gather salary data following the cuts to Statistics Canada. *There has been no significant interest in the zero-tuition campaign launched by some of CAUT's member organizations.*

CAUT has requested that MAUT members' access to its Members Only Site be restricted to Executive and Council members. The password has been changed.

CAUT has requested member associations and unions to propose candidates with relevant experience for the following: Academic Freedom, Collective Bargaining, Contract Academic Staff, Equity and Librarians and Archivists Committees. This request will be featured in the next Newsletter.

7. Updated By-Laws Documents [M. Richard, J. Varga]

M. Richard presented the updated and reformatted MAUT By-Laws document, which incorporates all the substantive changes previously approved by Council. As was the case with the updated and reformatted MAUT Constitution document which was presented to Council in October 2015, the updated MAUT By-Laws document includes a number of corrections to the formatting of the document (e.g. punctuation, line spacing, and capitalization) which have no impact on the substance of the text. M. Richard thanked K. H. CAUT has requested member associations and unions to propose candidates with relevant experience for the following: Academic Freedom, Collective Bargaining, Contract Academic Staff, Equity and Librarians and Archivists Committees. This request will be featured in the next Newsletter. M. Richard thanked K. Hastings and J. Varga for all the work they have put into updating both documents.

Appendix I Background Information on Updated MAUT By-Laws Document

M. Richard moved and E. Duffy seconded the motion:

That Council receive the following updated By-Law document (exclusive of Constitution). In so doing, Council considers a) that this document includes all known By-Law Amendments passed prior to December 9th 2015 but not yet incorporated in the document currently posted on the MAUT web site, and 2) that minor changes in formatting by which the following document differs

from corresponding sections of the document currently posted on the MAUT web site are matters of style only with no impact on substance.

R. Sieber noted that stylistic changes can be approved by Council but substantive changes must be approved at a General Meeting. M. Richard indicated that substantive changes to the Constitution must be approved at a General Meeting, but that substantive By-Law changes are approved by Council.

A vote was called and Council was unanimous in its approval.

The By-Laws, approved on December 9, 2015, will be posted on the MAUT website.

8. Proposed correction to MAUT Constitution Article IX [M. Richard]

M. Richard drew attention to two loose ends which need to be corrected in Article IX of the Constitution. The first problem is a typographical error: Librarian Section should be Librarians' Section. This error will be corrected editorially, since it is clearly typographical in nature and has no effect on the substance of the text.

The second problem pertains to the phrase "A Librarian elected", which incorrectly uses the capitalized form "Librarian" rather than the lower-case form "librarian." The capitalized form creates an ambiguity in the text of the Constitution: even though the phrase "A Librarian elected" has always been understood to apply to anyone holding a librarian appointment at McGill, regardless of rank, the term "Librarian" could be construed to refer to the specific rank of Full Librarian. Council is being consulted on the matter because Council has the authority to interpret the Constitution when there are doubts as to its meaning. Council is being asked whether the capitalization of "Librarian" in the phrase "A Librarian elected" is simply a formatting error (in which case it can be corrected editorially) or whether it is a substantive error (in which case it will need to be corrected through a Constitutional amendment). At the MAUT-LS Fall General Meeting on November 20/15, the librarian members present were asked, on a consultative basis, to vote on whether they considered the error to be a formatting error or a substantive error; they voted unanimously that it was a formatting error. The same question is now being posed to Council, as a motion, and Council's yes-or-no vote will provide the Constitutional interpretation which is needed on the matter.

M. Richard moved and E. Duffy seconded the motion:

Do you agree that the capitalized word "Librarian", which is used in the phrase "A Librarian elected" in Article IX of the MAUT Constitution instead of the lower-case form "librarian", is a formatting error which can be corrected editorially, rather than a substantive error which would need to be corrected through a Constitutional amendment?

Council voted "Yes" unanimously, thereby indicating that it interprets the capitalization of the word "Librarian" in the phrase "A Librarian elected" to be a formatting error. The phrase will therefore be corrected editorially to read "A librarian elected".

9. Discussion Paper on Regulation and Policy Consultations

M. Richard presented a Discussion Paper on Regulation and Policy Consultations. He noted that consultations of MAUT by the Administration on proposed changes to regulations and policies are not always satisfactory in terms of process. As an example of a satisfactory

consultation, he referred to the recent collegial consultations pertaining to the proposed changes to the Regulations Concerning the Investigation of Research Misconduct. As an example of a problematic consultation, he referred to the process through which MAUT was consulted in late 2014 and early 2015 by then-Associate Provost Lydia White about proposed changes to the Regulations on Appeals of Tenure Decisions: the amount of time allocated for these consultations was short, some of the proposed changes to these important regulations were problematic, and not all of MAUT's concerns were addressed to MAUT's full satisfaction before the document was brought to Senate.

The fundamental problem, M. Richard argued, is that the Administration can bring proposed regulation and policy changes to Senate even if MAUT has serious reservations about them. It would be desirable for MAUT to work with the new Associate Provost for Policies, Procedures and Equity, Angela Campbell, to establish some clearer protocols for regulation and policy consultations to prevent such situations from occurring. M. Richard suggested that these protocols be guided by the principle that the length and rigour of the consultation process for revising regulations and policies should be proportional to the particulars of the case. In difficult cases it should be possible for the Administration and MAUT to agree to delay bringing the proposed changes to Senate until they have arrived at a text that is mutually satisfactory, or at the very least mutually acceptable.

M. Richard also argued that MAUT ought to reflect on how it should deal with situations in which the Administration brings to Senate proposed regulation and policy changes without arriving with MAUT at a text which is mutually acceptable. MAUT's By-Law Concerning Ad Hoc Consultation With MAUT is not sufficient in this regard, since it simply defines the conditions under which a party can claim to have consulted MAUT formally. M. Richard noted that, by the time regulation and policy change proposals reach Senate, they are largely out of MAUT's hands. MAUT is, among other things, mandated to promote policies and working conditions conducive to the pursuits of McGill academic staff, and MAUT must show to current and potential members that it is effective in this role.

Given the late hour and the fact that few Council members were present, it was agreed that only a brief amount of time would be allocated today for initial comments, and that M. Richard's Discussion Paper on Regulation and Policy Consultations, along with its covering memo, will be re-sent to Council prior to the January 27/2016 meeting. One of the points commented upon was the fact that, in Senate, the Administration has occasionally referred to the distinction between governance (which is within Senate's purview) and administration (which is not). D. Lowther thanked M. Richard and proposed that Council continue discussion of this agenda item at the next Council meeting.

10. Other Business

R. Gehr, Senator and member of the UHSC (University Health & Safety Committee) has requested that MAUT formulate a position on mental health issues. There is also an initiative, supported by the UHSC and student representatives, to make McGill a smoke-free campus. These will be brought to the next Executive and Council meetings for discussion.

11. Adjournment

D. Lowther called for a motion to adjourn. J. Cooperstock moved to adjourn the meeting. Seconded by R. Sieber. The meeting adjourned at 2:03 pm.

Appendix I Background Information on Updated MAUT By-Laws Document

Background:

At the June 17, 2015 Council Meeting the following By-Laws were deleted:

- MAUT By-Law governing Standing Committees and Caucuses
- MAUT By-Law governing the Finance Committee
- MAUT By-Law governing the Nominating Committee

At the same meeting, Council adopted the By-Law governing Standing Committees.

On October 17, 2015, Council adopted the MAUT By-Law governing Donations (previously known as the MAUT Donations Policy, originally adopted by Council on October 17, 2007).

There are several small style/formatting changes and legislative history updates that have been made to the text.

There are several changes: 1) All By-Laws are found in the one document; 2) the Committees are ordered alphabetically; 3) the By-Laws are ordered alphabetically; 4) the By-Law on Donations is included as part of the By-Law document; 5) the MAUT By-Law Concerning Ad Hoc Consultation With MAUT is now part of the By-Laws document; 6) MAUT By-Law governing Librarians' Section, a. 20 (in "those section members voting") now "Section" is capitalized for consistency with the rest of the document; 7) 10 pitch Times New Roman was converted to Georgia in order to maintain consistency; 8) one line breaks between headings in lieu of two-line-break format; 9) incorporation of the original Council approval date for the By-Law concerning the Librarians' Section; 10) updated date found in the footer of the document; 11) under Collegiality Committee Purpose ... the phrase "in conjunction with Council" now has a comma before and after the phrase; 12) under Tenure and Mentoring Committee Purpose engages has been corrected to engages; 13) under Tenure and Mentoring Committee Activities, in the second bullet point a space has been removed between "tenure" and "mentoring".