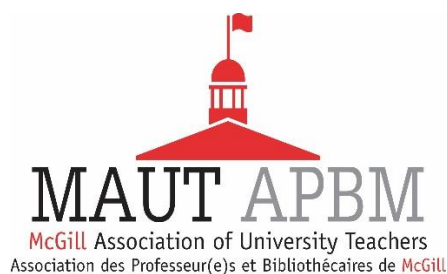




MAUT Summer Council Meeting
Tuesday, August 31, 2021 at 12:00 pm
Zoom Meeting

Approved Agenda

1. Approval of Agenda
2. Approval of Minutes – June 9, 2021
3. Discussion of Mandatory Vaccination
 - i. Summary of MAUT request and McGill's response (A. Kirk)
 - ii. FQPPU guidance (S. Rousseau)
 - iii. Position of other unions/associations (R. Sieber)
 - iv. Open discussion: what should MAUT do next?
4. Other Business
5. Adjournment



MAUT Summer Council Meeting
Tuesday, August 31, 2021 at 12:00 pm
Zoom Meeting

Attendees:

Executive Officers

Andrew Kirk, President
Renée Sieber, President-Elect
Janine Mauzeroll, Past-President
Simon Rousseau, VP External
Nate Qutoriano, VP Finance

Council Members

Jill Boruff
Melanie Dirks
Lucy Kiester
Maureen Mckeague
Caroline Riches
Thavy Long
Ada Sinacore
Sandra Hyde
Dawn McKinnon, MAUT-LS
Bruce M. Shore, MAUT-RAC

Guests: MAUT Members (approximately 60)

MAUT Office: Jo-Anne Watier, Administrative and Membership Engagement Officer, Recording Officer
Joseph Varga, Professional and Legal Officer

Approved Minutes of the Meeting

A. Kirk called the meeting to order at 1:05 pm, welcomed MAUT members to this special summer meeting, and acknowledged the indigenous territory, including that of the Haudenosaunee and the Anishinaabe peoples.

1. Approval of Agenda

A. Kirk moved to approve the agenda, seconded by J. Mauzeroll. Council approved unanimously.

2. Approval of Minutes – June 9, 2021

A. Kirk moved to approve the minutes, seconded by J. Mauzeroll. Council approved unanimously.

3. Discussion of Mandatory Vaccination

i. Summary of MAUT request and McGill's response (A. Kirk)

A vaccine mandate was first discussed at Council last spring. While some members were in favour of it, a straw poll found that a majority were not in favor of it. However, in the past month we have learned of the significantly increased infectivity of the Delta variant, and have seen the growth of the Delta wave in Quebec. We have also learned that even doubly vaccinated people have an increased risk of infection from the Delta variant. Faced with increasing expressions of concern from MAUT members, Council held an e-vote on August 13th, where a majority, including members of the Executive, and which A. Kirk supported, voted in favour of calling for a mandate. We transmitted our call to the Administration on August 15th to implement a mandate with limited exemptions for medical and religious reasons. The response of the administration has been underwhelming and

timid. While they have increasingly spoken of an 'expectation' that all people on campus will be adequately vaccinated, and stated that the vaccine passport will be required to access non-essential services, they have not acceded to our request. The administration's stated position is that the Quebec Civil Code prevents anyone from receiving a medical procedure against their will, and that therefore vaccines cannot be mandated. Colleagues in the Faculty of Law have provided a strong counter argument that a mandate does not imply forced vaccination. Rather it gives individuals the freedom to either not take part in person, or, as has been implemented at some universities, to submit to frequent testing. We are not alone in making this call. The SSMU has called for a vaccine mandate. And across the country many other faculty associations, including CUFA (BC umbrella org), MOFA (Manitoba), Waterloo (where a mandate has been imposed), Western Ontario, Dalhousie, UPEI and Memorial faculty. Several other universities such as Guelph have implemented a campus-wide mandate. Most recently, we have learned that the university has instructed department chairs and school directors that if faculty members choose to teach online when they were scheduled to teach in person, they should be reported to their Dean for disciplinary action.

ii. FQPPU Guidance (S. Rousseau)

S. Rousseau shared with Council that the FQPPU hired a legal firm (Rivest Schmidt) to address the following two questions:

1) Should or must unions make recommendations to implement a vaccinate mandate for everyone on university campuses?

In addressing the first question, the Quebec Government has the right to impose a mandatory vaccination but they do not address the issue of whether other employers must as well. It was outlined that the responsibility of the association or union must make a pledge for all its members that they represent with diligence (whether they are in favor or against it). Even if they were to push for an all mandatory vaccination, they are still obligated to represent every member as per the code du travail. How does this effect MAUT as an association (since we are not a union) and is MAUT bound by the same principles?

CAUT came out with a generic document in July about mandatory vaccines across Canada but because of different provincial legislation, they did not go into details but expressed that basic legal considerations for mandatory vaccination requires a balancing of health and safety legislation requirements (that employers take every reasonable precaution to protect employees) with privacy and human rights. More on the report [CAUT Memo 21:41](#).

2) What are the rights of professors who refuse to teach in-person because of their own various health issues or are pregnant or how vulnerable family members with the same issues?

Faculty who feels that working conditions threaten their health may write to their employer with a request to not teach in-person but the mechanism is defined within the law. According to la Loi sur la santé et sécurité au travail, health experts are able to determine the level of danger exposed to Covid-19 by the employee as well as other considerations. More on the [FQPPU Report](#).

iii. Position of other unions/associations (R. Sieber)

R. Sieber represents MAUT on the MCC (McGill Communities Council) which comprises of various constituent groups. These groups include MCLIU (Course Lecturers & Instructors), SSMU (Student Society – Undergraduates), PGSS (Graduate Students & Post-Doctoral Fellows) and they are supportive of a vaccine mandate. MUNACA (Non-Academics) is uncertain if they have the mandate to advocate for a vaccine mandate internally. As per S. Rousseau's report, the question is how do unionized groups respond to employer mandates? Union's can internally impose vaccine mandate upon themselves, which has caused MUNACA to be uncertain. As for PGSS, their mailbox has been inundated with frantic emails from grad students who are afraid of returning or who can't get into the country. How does MAUT respond since it directly affects our members?

1) Incoming international students, and especially those from India, needing to travel basically around the world, spending huge amounts of money, just to arrive in Canada, assuming they even have their paperwork, which many don't even if they started the process in March because the situation on the ground in India has been so bad that there was literally almost no staff at the High Commission for a while because they are dealing with had Covid and not visa's.

2) Immunocompromised students or students who have primary caregiving responsibilities for an immunocompromised person for whom being on campus is a serious threat and are terrified to come back.

The response to students until recently, were told to talk to their profs personally to see what can be worked out. Too many of them have had profs and GPDs tell them there will be no accommodation and their choices are to defer, take a leave of absence, or withdraw (even if they could participate in courses remotely). Some then had their requests for deferral denied at the department level. The MCC recognizes that MAUT at times it aligns itself with central administration and PGSS has voiced its discontent with that. There was also the issue with professors who will not record their lectures. What are the next steps moving forward?

iv. Open discussion: what should MAUT do next?

A. Kirk opened the floor to Council Members and the membership to voice their concerns:

- Librarians see a high volume of students every day and despite having the same safety concerns as everyone, they will do their best to accommodate students as per the safety protocols set in place.
- Concordia Compromise – Concordia University came up with an innovative way to deal with the return to in-person teaching. Professors are being given the option to teach remotely if they felt uncomfortable to teach in-person without denial and promoting flexibility for people who were ill during the pandemic. McGill's model seems to only have allowances for faculty who themselves have medical reasons to not be in a classroom.
- Academic Freedom - it is up to faculty to choose how they teach and not the decision of the Provost (whether they teach on-line, upload PPT's or record courses). J. Mauzeroll responded with: this issue has been contested at FQPPU and CAUT several times and for context, in general, faculty members have a contractual obligation that they must fulfil and if they don't and they claim AF – up to now there hasn't been any legal precedence in Quebec that has enabled them to win. Instead, they should maintain their contractual obligation and file a grievance based on their perceived AF.
- There is external pressure from the province and how do we understand that better when the administration does not give any insight. The communication has been low with the university.
- With return to in-person, concerns expressed were not to transmit the virus and to avoid outbreaks since the Delta variant is here. Vaccination alone is not enough (continue to social distance and wear masks). A vaccine mandate would have to be imposed on everyone on campus (students, faculty, administration). The province would have to mandate it and not the labourer – this would avoid legal and labour rights.
- The university is within its legal rights to decide.
- Academic Freedom does not arise from this situation since they are not breaching the rules of McGill. The power to decide how to deliver a course resides with the professor and does not override the rules by Senate (but with the statute). Because MAUT is not unionized, it does not have the ability to push back on the claiming of power by the Provost. It was asked if professors must physically be on campus but still teach remotely. Regulation 4.2 says 'as a minimum, staff members shall be available from the 1st day of September to the day following the after spring convocation'.

- The administration plans to use the reverse strategy when the situation begins to improve when measures were first put in place (in-person class sizes, social distancing, less remote teaching, etc.).
- Members expressed their thoughts on how the administration handled the situation, some made suggestions on how to approach the university:
 - The Provost has taken a societal problem and placed the onus on the individual.
 - Felt scorned by the university – Concordia example (a key element is they are unionized) the union presented the teaching options and the administration agreed to the compromise. A disadvantage for MAUT with McGill's administration.
 - Push levels of protection by offering Covid testing and vaccines
 - Faculty must fill out a daily Covid health form on Minerva. If you are slightly ill, you must reschedule your class and then speak to the chair if it becomes a problem.
 - Letter from the Provost and memo to the deans sparked anger. Tone was self centred and disrespectful. Different faculties and departments have different obligations.
 - Encourage MAUT Council to survey the membership for feedback. Huge concern with students.
 - Responsibility has been placed on chairs to do the work of surveillance and reporting. It was suggested to have MAUT issue a statement to the university telling them that the chairs no longer want to do this as it is not their job.
 - Concerns with prolonged on-line teaching on students and mental health.
 - It goes against teaching ethics when students are not in a safe environment - how to best balance public health? A blended teaching approach would limit the number of people on campus unnecessarily. Hybrid learning is not feasible for technological reasons. With unsafe work and learning environments, what options are available without disciplinary actions?
 - MAUT should reach out to the various minister's in Quebec.
 - Space issues and over capacity.
 - Air quality and ventilation.
 - Emphasize more on the students rather than ourselves.
- This has been a most spectacular crisis in university governance in R. Janda's career at McGill. It began with appropriate policy for Covid but we can see how it really operates, how it treats its colleagues and how it responds to collegial concerns. MAUT did not receive a response to a letter addressed to the administration. Central has not been collegial with faculty and MAUT. This is the time for a union.
- A vaccine mandate would be ideal but with a current vaccination rate of 85% would the mandate significantly increase this percentage statistically?
- The best protection against Covid is double vaccination. A vaccine mandate increases protection for those sharing the same space. Without a vaccine mandate, the risk of exposure to viral nodes may not kill a fully vaccinated person, but it could potentially cause long-term or permanent damage. The vaccine mandate is essential.
- R. Sieber suggested three strategies moving forward 1) Concordia compromise 2) assert authority for professors, chairs and directors on the mode of instruction 3) grievances for a contractual obligation while fulfilling in-person teaching in a toxic work environment
- J. Mauzeroll proposed four options to present to the administration if everyone remains in favor of a vaccine mandate:
 - 1) Vaccines protect the majority of our members who agree with the vaccination and the employer has a duty to protect its employees.

- 2) Acknowledging to the administration that we offer an essential service, which we will provide as per our contract and vocational choice. The responsibility to provide a healthy work environment lies with the employer and a vast majority of the community is expressing their concerns yet the response is lacking by the university.
 - 3) We should write to the administration that there seems to be no regulation article where the university can encroach on academic freedom to choose the mode of course delivery. And if such an article exists, they should state it. If it does not exist, it is difficult to understand the comment in the communication from the Provost sent to the chairs saying that academic staff cannot unilaterally choose to deliver their courses on-line.
 - 4) It is important to acknowledge the lack of respect in the communications to the faculty and that we are providing an essential service and circulating documents to the deans about punitive measures is beyond collegial governance. This type of messaging is puts in jeopardy the collegial governance that both the faculty and administration want to maintain.
- If the university is not willing to put in a vaccine mandate, ask them to consider the different options to implement either the Guelph model (first month is on-line) or the Concordia model (offer the option to faculty for on-line or in-person). Lastly, if they are not willing to adopt any of these models, the administration should allow faculty to teach on-line if the vaccine mandate is not implemented.

A. Kirk along with R. Sieber and J. Mauzeroll will formulate a draft letter to the administration and will circulate it to MAUT Council for feedback. A. Kirk also conducted a straw poll whether or not a membership survey should be conducted and most were in favor.

Motion: R. Sieber moved a motion, *Reiterate call for Vaccine mandate. If not then leave it to faculty members in collaboration with their chairs/directors to make decisions about how we teach, including the mode of instruction*, seconded by S. Hyde. Council discussed and felt that the motion was not clear and asked for clarification. A. Kirk called for a friendly amendment, accepted by R. Sieber. The motion was redrafted but Council felt it still was not clear and suggested that the motion be retracted to include several other points of importance in a letter. A. Kirk asked for a friendly amendment, accepted by R. Sieber.

Revised Motion: *MAUT reiterates its call for a Vaccine mandate. We call on the Provost to respect the right of faculty members in collaboration with their chairs/directors to make decisions about how we teach, including the mode of instruction.* Council discussed and agreed that due to a time constraint, they were in favor with one opposed. **Motion was passed.**

4. Other Business

There was no other business to report.

5. Adjournment

A. Kirk thanked everyone for attending the meeting and for sharing their concerns, which he will bring to the administration. A. Kirk moved to adjourn the meeting, seconded by R. Sieber. Meeting adjourned at 2:06 pm.