

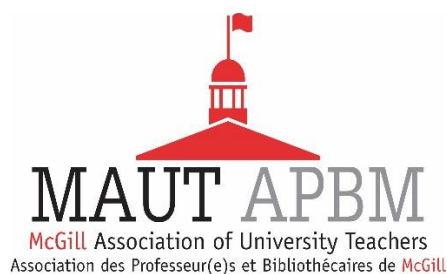


**MAUT Special Council Meeting**  
Tuesday, November 16, 2021 at 12:00 pm  
*Zoom Meeting*

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**Approved Agenda**

1. Approval of Agenda
2. Motion – AMPL (Association of McGill Professors of Law)
3. Other Business
4. Adjournment



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Attendees:	<b><u>Executive Officers</u></b> Andrew Kirk, President Renée Sieber, President-Elect Janine Mauzeroll, Past President Tim Kennedy, VP Internal Simon Rousseau, VP External Lena Simine, VP Communications Nate Qutoriano, VP Finance	<b><u>Council Members</u></b> Caroline Riches Lucy Kiester Maureen Mckeague Melanie Dirks Sandra Hyde Jelena Ristic Jill Boruff Richard Gold Dawn McKinnon, MAUT-LS Bruce M. Shore, MAUT-RAC
Members:	MAUT Members (approximately 46 members)	
MAUT Office:	Jo-Anne Watier, Administrative and Membership Engagement Officer, Recording Officer Joseph Varga, Professional and Legal Officer	
Regrets:	Council members - Thavy Long and Ada Sinacore	

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**Approved Minutes of the Meeting**

A. Kirk called the meeting to order at 12:02 pm and welcomed everyone.

**1. Approval of Agenda**

J. Mauzeroll moved to approve the minutes, seconded by M. Mckeague. Council approved unanimously.

**2. Motion – AMPL (Association of McGill Professors of Law)**

A. Kirk summarized the events leading to the motion presented by the Faculty of Law. They are requesting MAUT's support by passing a motion stating MAUT would have no objection if they wish to seek resources from CAUT and FQPPU in assisting the Faculty of Law to obtain certification, essentially as a union body. Because of the importance of this issue, it was decided to hold this meeting within the specified 10 days, as per the Constitution, to further consider the proposed motion with Council and MAUT members.

A. Kirk presented the motion;

"MAUT is aware of the existence of the Association of McGill Professors of Law - Association McGillienne de professeur.e.s de droit (AMPL-AMPD), and that a petition for certification has been filed with the Administrative Labour Tribunal to represent McGill's law professors.

While MAUT takes no position on the merits of AMPL-AMPD's attempt to seek certification, MAUT does not oppose AMPL-AMPD seeking assistance from the FQPPU or its member associations, CAUT or its member associations, or other organizations disposed to assist AMPL-AMPD, on the understanding that AMPL-AMPD will indemnify MAUT pro rata for support it receives from any organization to which MAUT pays dues."

R. Gold moved to approve the motion, seconded by S. Hyde. R. Gold provided everyone with the background regarding the motion and explained why the rush to have it passed.

Richard Gold: *What I really want to address is why the rush and why didn't we come to MAUT before, which I think is more than a fair question. The whole thing from beginning to end, took a month to process. As you know, we've been working with MAUT, with the administration, issuing opinions, and deep frustration in our faculty about not respecting the law, telling us something that was wrong, telling us they were listening to the experts. They obviously were not because the experts told us they were covering it up. So when the School of Population and Global Health came out with their letter, and posted it, they were told to take it down. So we worked and then we also were supportive of the motion that went to Senate and that was rejected out of hand by the Steering Committee and then a substitute one which put basically administration in control in an absence of collegiality, and so it was really, at the beginning of this. Members of the faculty went out and talked to people with experience, no one on our faculty had experience with organizing this. We were told, it had to be kept confidential, because you need to protect (under Quebec law) the identities of people and we started off talking to the most vulnerable, and you don't want to do anything that discloses who they are. Perhaps if we had been more sophisticated, we have more use, you know, we experienced we would have found ways to communicate with others, but we didn't, we didn't have that experience. In fact, much of our faculty only found out about it. In the last week, there was a public meeting just like this one, two days before filing. I realized this came as a shock to people (and many people inside) and we were told repeatedly, this is how it has to be done. We recognize it's not the most collegial way to go forward. What I do want to emphasize is listening to colleagues, it had nothing to do with MAUT, no one was criticizing MAUT, it was a criticism of the central administration and the impact that their policies were having on our ability to continue this program that we're very proud of, trans systemic teaching of law. And we went so far to work through our faculty council, we passed a motion that our Dean ignored and in fact went counter to it and was threatening colleagues with discipline. So we came last week and we probably over excited that we had actually done this and frankly, did not give you the time necessary. I apologize for that. But as I said, this is not about MAUT or any failings of MAUT but the failings of the administration that simply does not listen to MAUT and did not listen to when MAUT called for mandatory vaccinations or when they called for a motion. That's what's motivating us, we feel helpless, powerless, our voices are not being heard. We don't see an existing mechanism to move things forward. I don't want to talk about the merits of whether we should certify or not, but we're coming to you right after the decision was made in order to say, we don't expect you to make a decision supportive or not supportive. All we're asking is collegially, to say, we might regret what you're doing, but we're not standing in your way. Unfortunately, the administration is going to use the government funds, tuition and donations to fight us - it's not an even battle. They're using the money that should be going to fix our libraries, to fix other services to fight us. We need as much support as we can get from those organizations. But we understand that MAUT would want to be seen as neutral, which is why we changed the motion.*

A. Kirk asked R. Gold if the motion was now spoken for and invited Council to discuss the motion and share their views and opinions.

Opposing views:

- It is premature to vote on the motion since members have only recently been made aware of it. With elected members on Executive and Council, they represent more than 800 members and many

have them have reached out asking for more information. They don't want this motion to be problematic. Some members in the Faculty of Law wish to remain represented by MAUT. It should not be voted on until members have either been consulted or informed (perhaps have a referendum).

- Some concerns surrounding the formation of the AMPL was expressed such as how representative is this association of law professors, to form such an association and does it actually represent the consensus of the law faculty? There were some complaints about procedure from law faculty members themselves and what response to those problems. If the Faculty of Law can file to form an association and if MAUT expresses approval or opposes it, what are the implications and what does it mean? What is the relationship with CAUT and does it matter? Members of AMPL would no longer be eligible for MAUT membership. People vote for things they don't actually know what the implications are. Since the consequences are unknown, it was suggested that perhaps the Collegiality Committee could investigate and find out what the implications would be for university governance and for MAUT as an association, as well as for the law faculty and hear the disagreements from the law faculty member themselves. Then perhaps present some finding or report at the general meeting in April. With more information, we can make a better decision.

In response to the above concerns of an MAUT member, E. Descent-Fox explained the process; *When we decided to embark on this, we discussed the matter with legal counsel, they advised that the process for organizing any workplace is a highly confidential process, and that you always begin with the people who are most vulnerable, and precarious. Now, the cost of that process is that there is not typically the chance for an open and free ranging discussion. Because if there is such a discussion, that essentially removes people from confidentiality, and diminishes the confidentiality of those who wish it. However, what we did commit to was a process much more consultative and inclusive than typically occurs. What typically occurs is organizers go individual to individual and when they get to 50%, plus one, they file for certification. So even members, people within the same bargaining unit, often are not even aware that there has been a petition for their association or their bargaining unit to be recognized. I would only get involved with this process on the understanding that we would consult individually with each member of our faculty who could conceivably be in the bargaining unit. That is what we did. Toward the end of the process, we in fact, did have a general meeting, we heard very eloquent remarks from people who were in favor, from people who were opposed in the days following that meeting. Three more of our colleagues joined with us, I can confirm to you now we have a supermajority of colleagues. That is enough to change constitutions in most in most states today. It hasn't been a perfect process, we would have loved to come to MAUT and to others to talk openly about this, and how can we fit in and do it all in that way. We were advised that we could not do that while we were consulting with colleagues, to get them to sign onto membership cards. That's simply the legal process. As soon as we filed our application for certification, we notified our Dean, the day after we notified MAUT. I'm sorry that we are in a position where time is of the essence, but we have a hearing date now of December 13th. McGill has hired BLG (a high powered, very effective employer side labor firm) to contest our application, all we are looking to do is access resources from CAUT and FQPPU, who have a policy to provide precisely to associations such as ours, so that we can participate in that legal process on something closer to a level playing field. I know a lot of you are concerned about long-term implications and so forth. We are not the first university to have multiple bargaining units within the professoriate. We had a wonderful discussion with Nate Qutoriano, who is on Council and the Executive, yesterday and we went through the seven universities that have multiple associations. Sometimes they are certified, sometimes they are not and sometimes they are both certified in union. So it's different, the only*

*reason there aren't more like that, frankly, is because the norm in Canada, is certification and the presence of collective bargaining and a collective association. To my knowledge, we are still the only professoriate that works on the basis of an appointment letter, something like an ordering Council, and without a collective agreement. For us, it's really about being able to represent ourselves collectively and eventually be able to get a collective agreement. What other faculties wish to do or may wish to do together, we would be happy to participate in those discussions. But we don't pretend to speculate on what that would be. That will be up to them.*

- The motion should not pass as it doesn't benefit MAUT, or the generality of its members. The move among Law faculty members is a de facto statement that MAUT is inadequate as a professional association, despite what Richard Gold said about this not being against MAUT but against the university. If this motion passes, we are essentially endorsing that concept, in a broad sense (which doesn't make sense). MAUT members have contributed lots of money over the years to CAUT and FQPPU and to use those resources, the support and action that if it is successful in the long run, will diminish MAUT. MAUT members could interpret this as a betrayal. There's also talk of repayment/payback, that can be complex, indirect, and you can't put a dollar value necessarily, on resources. The best thing would be not to pass this. There's a lot to discuss, these are big issues. I would say, we should not make a statement now of opposition. And, we should not make a statement of non opposition. We should keep open our options so that we can reflect and eventually make decisions that really work for MAUT.
- The Faculty of Law does not need MAUT's permission to self-represent and asking for MAUT's support is asking them to self-harm unnecessarily. Those in favor of this are the ones who have been pushing for a union for a long time. However, if you are going to be collegial, you can't hold MAUT at gun point. This is not the way to do it.
- The key issue is a matter of obtaining information and what the facts are. We need to look into all the implications and these claims and until we have all the information, the motion cannot be supported until proper due diligence has been done.
- Though this is an urgent situation, it is only urgent for the Faculty of Law and not for MAUT. The responsibility of Council is really towards MAUT's membership. Without proper information, it would be putting the members in a position that is not prudent and does not support this motion.
- MAUT has been a collegially based association and one could argue the effectiveness of MAUT or not but it has managed well over the years. This motion undermines the collegiality process and having a discussion first before making a move. The Faculty of Law is fracturing the university and this only benefits a group of people and not the university.
- There is no objection to the first part of the motion in allowing AMPL use CAUT and FQPPU resources. However, MAUT should not declare itself on paragraph two and should stay silent until we know more.
- With little information and time to process what the motion is about, this is not a collegial approach. We don't know the outcome and where this will lead. MAUT has a Collegiality Committee that could work with the Faculty of Law to see what can be done for our colleagues.
- The motion is irresponsible without knowing the implications. If the Faculty of Law feels that the university is becoming less and less collegial, it should have reached out to MAUT since it has an influence and a seat at the table with the university. If they feel this has eroded, then MAUT must fight to get it back and let MAUT do the work.

A. Kirk added as a point of information, that CAUT sees MAUT as the sole representative association at McGill and should AMPL want to use those resources, MAUT has to provide permission to CAUT before providing the Faculty of Law with assistance.

Supporting views:

- MAUT should support this motion, since there is a time limit for this particular resolution because the Faculty of Law is going up before a tribunal next month and they could use the support and advice from CAUT prior. Without going into the long term ramifications, there will be lots of time later for more consideration and there will be other votes. This is not making grand pronouncement about MAUT's position but they are asking us to stand aside. Giving MAUT's support makes the association more collegial by allowing the Faculty of Law to do what it must. There already exists a lot of unions and associations, why not another one.
- As with the librarian situation in the past, many of them support the motion presented by the Faculty of Law and should be permitted to seek assistance from CAUT. They wish to stay united and work together in supporting this group.
- Without supporting this resolution, it makes MAUT seem uncollegial. MAUT should not stand in their way. They are not asking us to support them or requesting financial backing. If we do not support them, we will lose members.
- We should be in favor of the motion. A union tends to increase work conditions for everyone in the workplace and not just the Faculty of Law but could benefit all MAUT members. They need more and different things and MAUT should stand in solidarity with them.
- We can and will have to go forward to CAUT. What is best precisely for MAUT when it comes to the reality of this new association, we will have to go to CAUT seek assistance. The AMPL needs these resources, can they go without being an open conflict and that there is no objection. What are the implications, despite it cannot waive objections. It would be worse for MAUT to position itself with CAUT and the campus as the organization that would not accept that they approach CAUT for assistance. That's the narrow content in which this decision has to be taken.
- The dynamics of faculty governance is different in the Faculty of Law (in comparison to Arts) and moving in the direction in which the mode of governance is steadily eroding with central administration, it has greatly affected colleagues in Law. MAUT should support AMPL in seeking assistance from MAUT.
- People have spent a lot of time and energy in working to make MAUT as effective an association as it possibly can be. The Faculty of Law feel that MAUT has not sufficiently met their concerns. By creating their own association, they can better pursue their own concerns. This not a criticism, but things are not fine and MAUT should support the appeal for CAUT resources.

After much discussion among Council and members, N. Quitariano proposed a friendly amendment to the second paragraph of the motion;

"MAUT is aware of the existence of the Association of McGill Professors of Law - Association McGillienne de professeur.e.s de droit (AMPL-AMPD), and that a petition for certification has been filed with the Administrative Labour Tribunal to represent McGill's law professors.

While MAUT **has not yet decided** its position on the merits of AMPL-AMPD's attempt to seek certification, MAUT does not oppose AMPL-AMPD seeking assistance from the FQPPU or its member associations, CAUT or its member associations, or other organizations disposed to assist AMPL-AMPD, on the understanding that AMPL-AMPD will indemnify MAUT pro rata for support it receives from any organization to which MAUT pays dues."

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R. Gold accepted the amendment, seconded by S. Hyde. Council discussed and voted – 8 were in favor of the motion, 4 opposed and 3 abstained. **The motion was carried.** A. Kirk will reach out to CAUT and FQPPU.

3. Other Business

No other business.

4. Adjournment

A. Kirk adjourned the meeting at 1:01 pm.

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Respectfully submitted by Jo-Anne Watier, MAUT Recording Officer