



**MAUT Council Meeting**  
Wednesday, November 10, 2021 at 12:00 pm  
*Zoom Meeting*

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### **APPROVED AGENDA**

1. Approval of Agenda
2. Approval of Council Minutes – October 13, 2021
3. Business arising from the Minutes
4. Law Faculty Item
5. President’s Report [A. Kirk]
  - i. Salary Policy/ATB and Merit
6. Librarians’ Section [D. McKinnon]
  - i. Motion Amendments to MAUT-LS By-Laws
  - ii. Librarian Workspaces
7. Past-President Report [J. Mauzeroll]
  - i. MAUT representative to Teaching Evaluations Work Group
8. VP Finance [N. Quitarano]
  - i. MAUT Audit
9. Other Business
10. Adjournment



### **MAUT Council Meeting**

Wednesday, November 10, 2021 at 12:00 pm

*Zoom Meeting*

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#### **Attendees:**

Executive Officers: A. Kirk (Chair), T. Kennedy, J. Mauzeroll, R. Sieber, L. Simine, S. Rousseau, and N. Quitoriano  
Council Members: J. Boruff, M. Dirks, R. Gold, S. Hyde, L. Kiester, D. McKinnon, C. Riches, Y. Ristic, and B. M. Shore  
Guests: R. Desmeules, E. Fox-Decent (AMPL), R. Janda (AMPL)  
MAUT Office: J. Varga (MAUT-Professional and Legal Officer)

#### **Regrets:**

Council Members: T. Long, M. McKeague, A. Sinacore  
MAUT Office: J-A. Watier (MAUT-Administrative and Membership Engagement Officer, Recording Secretary)

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### **Approved Minutes of the Meeting**

A.Kirk called the meeting to order at 12:06pm and welcomed R. Desmeules, E. Fox-Decent (AMPL), and R. Janda (AMPL) as guests with speaking rights.

#### **1. Approval of Agenda**

The agenda was approved as found in the Minutes.

#### **2. Approval of Council Minutes – October 13, 2021**

J. Mauzeroll moved to approve the minutes, seconded by B. Shore. Approved.

#### **3. Business arising from the Minutes**

There was no business arising.

#### **4. Law Faculty Item**

A.Kirk was informed yesterday about a new development in the Faculty of Law. E. Fox-Decent (AMPL), R. Janda (AMPL) and R. Gold reported on the matter.

A supermajority of academics at the Faculty of Law filed a petition at the TAT [Tribunal Administratif du Travail] for the Association of McGill Professors of Law - Association McGillienne de professeur.e.s de droit (AMPL-AMPD). AMPL is to be certified, within the next 60 days, in accordance with the Quebec Labour Code. Currently, AMPL is an informal association that is seeking recognition to have union status.

On a number of occasions over the past year, there has been frustration with the Faculty Council at the Faculty of Law. Some matters involving the Faculty of Law's distinctive teaching program and academic mission were ruled out of order – it was difficult to discuss and deliberate. This frustrated the ability of Law Professors and others to control and govern the very distinctive aspects of the academic mission at the Faculty of Law.

Approximately 95% of the time Faculty Council ran well. A few issues arose during the pandemic. Students on Faculty Council wanted to discuss the pass-fail option that was made available. Some students wanted it to be mandatory and not an option. They were afraid that those who took it as an option might be viewed as being disadvantaged from those who received the ordinary grades. Faculty of Law students attempted to bring a motion to Faculty Council so that the matter might be discussed and voted on. This was ruled out of order by the Chair (Dean). Then they tried with a weaker motion, which was simply urging the Dean to use his good offices to speak with members of the community at Senate and/or central administration about the matter. The possibility of allowing the Faculty of Law to determine for itself if pass-fail grades would be an exclusive way to determine grades was ruled out of order. What was distressing was that the Dean ruled that this was not the business of Faculty Council but rather it was University

business. Thus, even the weaker motion was not amenable for the agenda of Faculty Council. Members at the Faculty of Law ought to be able to determine what is on the agenda and for deliberation and vote on their Faculty Council.

AMPL indicated that the law professors expressed themselves forcefully in the context of the pandemic, sought a change in position of administration and they failed. The way that the university administration treated the Faculty of Law was disrespectful and condescending. Efforts to alert members and Faculty Council to this problem was unsuccessful. It appeared that the collegial governance model at the Faculty of Law was broken.

Another example is modes of teaching. Faculty believed that the predominant control over teaching resided with Faculty Council and not with central administration.

Some Council members raised the point that if such a large majority of Faculty Council were in favor of certain items being on the agenda of Faculty Council, they it is unclear as to why the Chair's ruling was not challenged by the members of Faculty Council.

According to AMPL, bilingual teaching at the Faculty of Law is taught to a professional standard acceptable for accreditation of lawyers and this is very distinctive and is appropriately a matter for deliberation and discussion at the Faculty level and not centrally. Across the University, each unit has unique and special features. AMPL is a strong proponent of decentralized authority with the university. It is up to the individual units first to define for themselves their proper relationship to the whole.

AMPL believes that Professors at the Faculty of Law have a distinctive community of interest that others do not share. For instance, how professors at the Faculty of Law deliver teaching, research and service is very innovative and unique to the Faculty of Law.

AMPL believes that the professors at the Faculty of Law should have their own particular bargaining unit because of their very particular and specialized mission and the very specific and particular community with common interests. For example, bilingualism of the Faculty of Law, connection with the reconciliation mission of the University, which is the #28 call to action for law faculties by the TRC (Truth and Reconciliation Commission of Canada). Also unique is the way the professors of the Faculty of Law engage in regulatory institutions across the world, the way law students are qualified to be lawyers, not just in Canada but also throughout the world.

The way the professors at the Faculty of Law deliver their teaching, bringing together 3 legal traditions, common law, civil law, and indigenous legal traditions, is unique. The experimental ways of teaching at the Law Faculty that Senate would not understand their nuance. The Law Faculty's capacity to make certain decisions that need to be made with respect to the best delivery possible of their teaching mission.

Some Council members indicated that the Faculty of Law is not the only one that has uniqueness in the way that they deliver their programs. For example, Chemistry is accrediting people internationally. In other words, every Faculty has a uniqueness re their teaching, research and service – in terms of their mission. This has always been the case and it exists within the greater context of the University.

According to AMPL, the distinctiveness of the Faculty of Law is something that AMPL had to take a position on in order to defend their position for certification.

Some Council members noted that the Faculty of Law is not so exceptional in regard to licensing, indigenous presence, multiple traditions, teaching, research and service. These are expressed differently in each Faculty but they apply to many disciplines across the University.

In terms of precedent setting, AMPL stated that what other Faculties want in terms of association and representation, that is for them to decide. Members of the Faculty of Law believe that the AMPL model is right for them. Other Faculties may wish to maintain the MAUT model or adopt the decentralized AMPL model. There are a couple of examples where Faculties have their own faculty association, for example, Engineers at the University of Sherbrooke and the Osgoode Hall Faculty of Law at York University.

AMPL was advised when they started to organize that it had to be done discretely because of confidentiality. Part of the problem of not coming to MAUT earlier was how to protect everyone's confidentiality in the certification process.

Earlier on, AMPL reached-out and spoke with different members of MAUT. AMPL sees themselves as working with MAUT in the future, a close alliance. There is likely to be an overlap of concerns.

AMPL wants a collective agreement and collective bargaining in order to provide security for academic programming for professors at the Faculty of Law. AMPL would be happy to discuss this with the MAUT.

AMPL indicated that it was a unanimous request that the University accept their decision regarding the certification. It is a decision by the Faculty for the Faculty and they are opposed to any interference by those outside the Faculty.

According to AMPL, the Faculty of Law Professors concluded that what they need is a space at the Faculty level where members can decide on the agenda so they can meaningfully participate in their Faculty and its structure, most notably their Faculty Council and its standing committees.

AMPL believes that the best vehicle to achieve their academic mission is through an independent nonaffiliated faculty association. Their association would continue to coordinate with the MAUT but AMPL believes in a decentralized view of the University.

AMPL stated that many colleagues at the Faculty of Law are concerned about what they perceive to be an increasing and ongoing centralizing of what is appropriately Faculty business and a creeping managerialism. There is concern about the trend and direction of the University, especially what members can deliberate and determine at the Faculty level. There is a concern regarding the precariousness of some of the junior colleagues at the Faculty of Law. There have been cases of discipline imposed on junior colleagues at the Faculty of Law that were difficult to see. There is a sense that there is an undermining of collegiality within the Faculty and University.

AMPL is not asking for MAUT's blessing, approval, or financial support. Those requests, however, may come in due time.

AMPL has been in contact with CAUT and FQPPU. Both organizations indicate a willingness to sit and talk with AMPL, and possibly to assist AMPL, but to do so, might require MAUT to decide that it is ok for them to talk to AMPL. CAUT and FQPPU do not want it to be perceived as interference with the internal affairs of the MAUT.

AMPL has discussed the matter with the Dean of the Faculty of Law. The Dean knows about the organizing for some time and the motivation behind it.

AMPL believes that the University has to decide to accept the AMPL bargaining unit --all full-time tenure track and tenured faculty at the Faculty of Law or the University must propose an alternative bargaining unit (include all faculty at McGill University).

AMPL does not see what they are doing as inconsistent with or as an attempt to confront or over-turn collegial governance. Rather it is a mechanism necessary for the Faculty of Law and its members to engage, in the best way possible, in collegial governance. AMPL does not want to undermine MAUT.

AMPL indicated that certification involves a 60-day process. The next 2 weeks is the most critical period. The University is going to decide if either it will accept AMPL as the exclusive bargaining unit or is it going to litigate against AMPL. It would be terrible for AMPL and for the University to litigate this matter.

AMPL asked the Dean to request that the University engage collegially and productively and not have litigation as a strategy against AMPL.

AMPL is not challenging or usurping authority but rather it is trying to provide the Faculty of Law academic staff with a measure of security that will come from a collective agreement and to help ensure the best delivery of the Faculty of Law's distinctive academic mission and promise.

E. Fox-Decent presented the following AMPL draft 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, some of whom are also members of MAUT.*

*MAUT does not object to this process. Any assistance offered to AMPL-AMPD by the FQPPU or its member associations, by CAUT or its member associations, or by other organizations disposed to assist AMPL-AMPD, would not be considered by MAUT to be a violation of its autonomy or an infringement of its prerogative to govern its internal affairs."*

The AMPL draft motion was moved by R. Sieber and seconded by R. Gold. Council proceeded to discuss the motion.

According to AMPL, the second paragraph of the motion is not about obtaining MAUT approval or support but rather an affirmation that MAUT does not object to the process undertaken by AMPL, nor the assistance AMPL may receive from CAUT and FQPPU.

Some Council members indicated that MAUT's participation in CAUT and FQPPU is the most sizeable investment that all MAUT members are making, representing an enormous portion of dues. MAUT is a founding member of both the FQPPU and CAUT. It is unclear how MAUT members would feel about what is being asked by AMPL.

What AMPL seeks to achieve by reaching out to the CAUT and to the FQPPU includes things like expertise from their negotiating teams for negotiating collective agreements. If McGill decides to litigate against the AMPL, then CAUT and FQPPU have resources available for a defense.

AMPL has retained legal counsel and the law firm has agreed to limit what they would charge for representing the certification to 15K\$. AMPL does not want to use the GoFundMe.

AMPL decided not to affiliate with an association like the CSN or a federation because they did not think it was best for the members of their Faculty.

AMPL anticipates a very light collective agreement that only deals with those matters that are unique or distinctive about their Faculty and working conditions and the delivery of their academic mission. This depends on what the AMPL members will decide.

It was noted that there is a precedent for a request to unionize which was litigated and failed in the past.

If certified then AMPL members will not be members of the MAUT. AMPL would have to collect their own dues for their activities and memberships to affiliated organizations like CAUT and FQPPU.

MAUT Council must consider what is in the best interest of its membership. To vote on the motion is premature at this time. Council needs more time and information before moving forward.

FQPPU and CAUT work for their members. MAUT is the member with FQPPU and CAUT – if they are going to help AMPL then they need MAUT's approval. The AMPL is not a member of the FQPPU and CAUT.

AMPL is not asking MAUT's position to support or not support the AMPL. There is no reason for MAUT to take a position one way or the other.

AMPL indicated that it was for CAUT and FQPPU to decide what they were going to do and that MAUT simply had some voice in that. The motion says that MAUT does not consider it to be stepping on the affairs of MAUT to allow AMPL access to CAUT and FQPPU.

According to AMPL, the only reason why approval is being sought is that neither organization (CAUT/FQPPU) wants to come onto the McGill Campus because they respect MAUT. MAUT Council's decision is about whether or not MAUT is going to stand in the way of CAUT and FQPPU making their decision according to their constitution or not. As an organization that believes in Freedom of Association – there is no moral basis for MAUT to say no. MAUT cannot object but it can arrange with CAUT and FQPPU that MAUT dues are not used in support of the AMPL certification process

MAUT Council needs to consider the various expenses that will need to be incurred by MAUT, FQPPU, CAUT and the University. If law professors cease to be MAUT members, it chops away at MAUT's role, mandate, and budget. There are other models like ETS (ECOLE DE TECHNOLOGIE SUPERIEURE) where the school is a separate university and this would avoid the current complication that is being faced today. The Faculty of Law has not asked to be a separate university.

MAUT Council does not know all of the possible implications of this decision. Employees have the right to associate in different ways but MAUT Council has an obligation to MAUT and to its members. MAUT Council needs to consider the best interests of MAUT and its members. MAUT is one or two associations that are not unionized in Quebec and is therefore in a precarious position.

According to AMPL, if MAUT decides to block the AMPL from seeking access to CAUT and FQPPU for support then MAUT will be expressing a position to back the administration of the University. There is potential financial exposure for CAUT and FQPPU but many members of the Faculty of Law have been paying over 30 years in MAUT dues for things like this eventuality. CAUT and FQPPU are designed to help organize groups in this kind of situation. That is why FQPPU and CAUT are interested and want to help professors to organize and exercise their right to associate as a union.

AMPL wants MAUT Council to say that they have no objection for AMPL to seek help from the federations that are designed to help associations certify and bargain. That is the mission of both CAUT and FQPPU. AMPL is not challenging MAUT's place in FQPPU and CAUT.

There may be some MAUT members from the Faculty of Law that have different opinions on the matter; some may not be in favor of the process.

MAUT Council would like more information about the other universities that have multiple bargaining units for tenure track and tenured professors in Canada.

What is driving the speed of making this decision is that the AMPL deposited their petition a couple of days ago. The Tribunal will advise the University of it. McGill University then needs to respond within 15 days thereafter. According to CAUT and FQPPU, 15k\$ would be available to AMPL to defend any action that McGill might take against the AMPL. AMPL is not asking MAUT to make a decision on behalf of CAUT and FQPPU to provide assistance. That is not a decision for MAUT to make. Rather it is the decision for CAUT and FQPPU to make. AMPL is asking MAUT to allow AMPL, to respect AMPL, some of whom are MAUT paying members for years and are now deciding to associate in a way that is different from MAUT. AMPL wants an opportunity to speak to these organizations so they can do what they are designed to do – it is part of their mission. It is CAUT's and FQPPU's decision and MAUT may not like their decision. MAUT is free to go to CAUT and FQPPU and make an arrangement where MAUT dues are not applied to assisting AMPL. CAUT and FQPPU might be able to use some special fund that they already have to assist AMPL's certification and negotiation process.

AMPL is not asking for MAUT's blessing or approval. AMPL is just asking MAUT to allow for an opportunity that AMPL may sit down with CAUT and FQPPU, because they want to speak with AMPL. Otherwise, MAUT is blocking AMPL in the exercise of members' rights of free association and collegiality.

AMPL wants to encourage MAUT to use collegial channels to let the University know that AMPL is in discussion with MAUT, CAUT and FQPPU and that they support the process. AMPL hopes that the University will hear that and that the University will adopt a collegial non-adversarial response to what AMPL is doing.

Some Council members believed that it might not be objectionable for AMPL to make a call to FQPPU and CAUT but adopting an MAUT motion on the matter might be more questionable.

It is important to note that only today did MAUT Council get news of this important development at the Faculty of Law. Council did not have sufficient time to properly consider the AMPL draft motion. It is premature to make the decision on the motion. Council does not have the benefit of advice from the MAUT Executive Committee. There are three options: not objecting (is a position), objecting, and saying nothing. There does not seem to be much problem with the first paragraph of the motion but some Council members were not comfortable with the second paragraph of the motion.

MAUT Council needs more information and the association may choose to speak with MAUT members about the matter. AMPL indicated that this was ok but that members from the Faculty of Law could not be asked if they were AMPL members or not. It is illegal to ask someone if they are a member or not of a union under the Quebec Labour Code. MAUT would need to be sensitive to this and not ask inappropriate questions.

With the consent of the movers of the AMPL draft motion, Council decided that the motion be withdrawn on condition that MAUT holds a special Council Meeting before the end of next week and awaits additional relevant information to be supplied to MAUT Council prior to the Special Meeting.

## 5. President's Report

### i. Salary Policy / ATB & Merit

Council discussed the relative amount of ATB and Merit. The following points were raised at Council:

- Move toward higher ATB and less Merit.
- Reduce the gap between Merit C1 and C3.
- Address increasing inflation.
- Higher Merit Categories may be more difficult to achieve this year, especially for some professors with dependents.
- Merit process is not standardized and transparent across the University.
- ATB is inequitable given that a percentage increase on a lower salary is less money than the same percentage on a higher salary.
- Perhaps consider a lump sum for the ATB.
- Very large majority of academic staff receive the upper Merit Categories.
- Highest merit tends to go to the younger academic staff who are at the peak of their research and teaching. This, however, may not be the case in every department.

Council discussed some initial salary policy topics for the future:

- Consider targeted increase for Associate Professors who generally rank lower relative to their U15 peers than Assistant and Full Professors.
- 90% sabbatical salary in lieu of the current 100% salary was not considered advantageous to professors since, for example, one can only capitalize on it if one chooses not to take a sabbatical.
- Form a working group of MAUT CASC members, interested Council members, and other support to help make the case for finding additional money towards salary policy.

## 6. Librarians' Section

### i. Motion Amendments to MAUT-LS By-Laws

The Librarians' Section presented a motion supporting the Section name change to Library Section. The objective is to include other employees that have the same qualifications but do not have Librarian in their job title. This would reflect similar changes that have already been made, for example, Librarians' Council is now called Library Council, and the CAUT Librarians Committee is now named the CAUT Librarians and Archivist Committee. These changes allow for greater inclusivity. There are Archivists who have been hired at McGill based on the McGill Regulations Relating to the Employment of Librarian Staff but they are Archivists and not Librarians. The people with the qualifications of a Librarian whether or not in a position described as Librarian are eligible to be MAUT Members. Librarians at McGill are tenure track and there are some contract Librarians who are also eligible. They are eligible but if they do not have Librarian in their title then it is done on a case-by-case basis. They would be eligible to be MAUT Members.

**MOTION:** Be it resolved that MAUT Council supports the renaming of the MAUT-LS to Library Section in the MAUT By-Laws. The LS will return to Council with the relevant specific draft amendments to the MAUT Constitution and By-Laws for further next steps.

Adopted.

### ii Librarian Workspaces

The New Model of Work in the Libraries currently involves approximately 20 Librarians. They have Hot Desks and do not have an office or desk of their own. They work approximately 50% of the time from home. There is a strong desire amongst the Librarians to maintain personal office spaces. In March 2021, the official architectural drawings provided everyone with individual offices. In October, it was announced verbally that there would be no individual offices because there was no money. New architectural plans are in the works.

In the past, the inequitable distribution of office space was point #15 in the CAUT Inquiry regarding McGill's Library. In 2012, the Dean said at a Library Council that private office spaces are required. In 2017, the issue of private office spaces was still on the table.

In light of the New Model of Work, there is a concern that there will be no money for private offices because the University foresees the New Model of Work with Hot Desks, which does not call for private offices.

There is a huge inequity in the allocation of offices among Librarians – some librarians have their own office, others share with one other Librarian, or must share with no fewer than 3 Librarians. This has been a continuing issue over years and it has not been resolved. The University now says that there is no money for private offices.

Public Services Librarians, those working with students, meet with students to discuss their research but it often happens in a milieu that is shared at the same time with other Librarians and students. This is not conducive to having a good working environment.

The Librarians' Section (LS) believes that there is a need for office space. LS is awaiting the new architectural plans and wants to speak with the Dean. There are many unhappy colleagues and there is a concern that the New Model of Work is going to be imposed on Librarians and other academic staff. There is a lack of clear answers from the Administration.

There is a concern that there will not be an opportunity to push back until the offices will not be built. Now is the time that the Administration is planning on building or not building offices. There is a sense of powerlessness to push back and protect office spaces.

The Administration decided to renovate a building that housed staff and now they say they do not have the money to bring the staff back into the building.

Staff space is expensive and the New Model of Work and the hybrid working environments are ways of downloading the cost onto the employee to do their work.

The Library is in the middle of three Capital Campaigns that may be responsive to this issue if it became more public.

As a group of academics, we need to protect our working conditions. Members are not privy to each other's working conditions – different branch cultures have different standards in the same University. It is becoming an equity issue.

The Administration is talking about the Leacock and Arts buildings. They are thinking of widening the hallways, reducing office spaces and implementing a Hot Desk/Office system.

Perhaps engaging Senate on these issues would be useful. After all, academic workspace implicates academic aspects of the University. Some members of the MAUT Executive have been invited by the Administration to visit the New Model of Work area. It is important that the LS collect the evidence, document everything so that MAUT may demonstrate to the Administration that Librarians are unhappy.

**7. MAUT representatives to Teaching Evaluations Working Group**

J. Mauzeroll will be the MAUT representative to the Teaching Evaluations Working Group. Approved.

**8. Audit**

Council did not object to move the presentation of the MAUT Audit Report from December to January.

**9. Other Business**

No other business was reported.

**10. Adjournment**

A.Kirk called for a motion to adjourn the meeting. N. Quitoriano moved to adjourn, seconded by R. Sieber. Meeting adjourned at 2:10 pm.

Respectfully submitted by Joseph Varga, MAUT-Professional and Legal Officer  
February 7<sup>th</sup> 2022

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