



# NEWSLETTER

McGill Association of University Teachers

Association des Professeur(e)s et Bibliothécaires de McGill

[www.maut.mcgill.ca](http://www.maut.mcgill.ca)

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## Reflections on the End of my Mandate as MAUT President Based on Remarks to the Spring General Meeting of MAUT

**Richard Janda**

[richard.janda@mcgill.ca](mailto:richard.janda@mcgill.ca)

Coming to the end of my mandate gives me occasion to reflect upon the state of university governance, collegiality and university finances at McGill. Rather than give you a typical MAUT report going through the year point by point, I want to share some more general, personal concerns, misgivings and worries about where we stand as a university community with respect to governance and collegiality. I have to acknowledge that a president of the university association tends to look through a glass darkly: the standpoint of a university association is inevitably less than fully charitable regarding the conduct of university affairs, having to focus on sources of pathology rather than on sources of celebration. Indeed, the relationship the association — in particular the executive of the association — has with the university administration is by nature conflictual on occasion.

I will try to keep my concerns in proportion by beginning with an acknowledgement that I think we have had good stewardship of our finances at McGill University. Whereas collegiality involves the creation of a common community and a general principle of equality of power and authority in its governance, nevertheless, when it comes to finances and the management of budgets, there needs to be someone making decisions and responsible for the overall financial health of the university. The managerialism to which I think we are now all inevitably prone, the negative features of which I address below, in good hands can nevertheless allow for sound financial oversight. Not all universities have benefitted from that in the recent past.

Thus, let me contrast where we stand as a university with the position at other institutions. For example, the University of Alberta Faculty Associ-

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ation has found itself approving furloughs, i.e. time off without pay, so as to forestall even harsher cost-cutting measures. There have also been, in a number of universities including the University of Manitoba, hiring freezes that have been implemented into the foreseeable future. Although that may seem to be a prudent way to preserve the jobs and financial position of existing academic staff, we all know that in the absence of renewal of the university community there is a deadening effect on intellectual life. Finally, other institutions north and south of the border did very badly through the period of the financial downturn on their endowment funds. Our endowment fund was hit, but in that regard we are in a relatively sound posture in comparison with other universities. So I begin my observations about where we stand with respect to collegiality and governance with the acknowledgement that our administration has done well, comparatively speaking, in the stewardship of our funds.

But where I think we start to feel negative pressures — and I do not want to blame this simply on the university administration — is in the shift towards an instrumentalized function for each of us as academics. It starts with the granting councils, which have been moving more towards targeted research funding, with the result that open peer-reviewed application processes have given way to an onus to demonstrate that we, at the university, are serving economic goals. The discourse

university leaders themselves are using increasingly focuses on aligning universities with gains in high-tech jobs and investment, or with improving the economic performance of the country as a whole. The temptation to do this is almost irresistible, given funding pressures and the need to persuade government paymasters to part with taxpayer monies. As members of the academic community, we must acknowledge that public support of universities has mostly to do with the demonstrable claim that a university education is a sound preparation for employment. However, once we equate the social function of the university with instrumental purposes, those purposes begin to take over the management and the functioning of the university. So it is that governments, which are themselves held to account for producing social benefits from public funds, now seek to render universities more accountable according to preordained performance indicators. Bill 38, which is proposed legislation before the Quebec legislature, would empower the Minister of Education to establish such indicators upon consultation with the chairs of university boards, and then charge university boards with overseeing the results of applying those indicators. Reporting to performance indicators will inevitably drift down through the entire apparatus of the university and arguably already is.

Performance indicators are not just an administrative bane of our academic existence, but in fact begin to transform what a university is. Ensuring that students graduate within reasonable times or that public funds are in fact used for research are forms of accountability we all accept. Tailoring what we do to market demand is another thing altogether. The ideas worth investigating, the subjects worth teaching and the books worth collecting are the prerogative of the peer-reviewed academic community because the domain of learning is to be pursued for its own sake. Performance indicators elaborated in consultation with university boards dominated by outside, business community members need not necessarily tend in an instrumentalized direction; McGill has been graced by a loyal and supportive Board alive to the difficulties of keeping a great academic institution flourishing. However, that Board has over time deferred to our Senate on academic matters, and performance indicators for the university are among them. Bill 38 would concentrate any future decision-making of performance indicators in the Board. That is why MAUT, along with other Que-

bec university faculty associations, has made vigorous representations seeking to ensure that the role of our Senate remains paramount as regards the academic matters addressed in Bill 38. In sum, I want to acknowledge that the growing managerialism we are confronting is not simply attributable to the James Administration Building, or to deans or chairs. There are now pressures upon all universities towards a verifiable return on investment — not only in Canada but also in many jurisdictions throughout the world.

So as an Association, how have we actually encountered problematic forms of managerialism? Almost upon coming into office, I was confronted with the case of a senior tenured faculty member who was fired. The administration's concern was alleged misuse of research monies. MAUT had provided the colleague with an experienced advisor familiar with the oversight of large grants. After the decision to dismiss, we reviewed the case not only through our Executive and Council but also calling upon colleagues in related fields to consider the evidence. It was unanimously concluded at each stage of our own MAUT review that dismissal was not justified. Whereas there were allegations of using a P-Card and grant funds for personal expenditures, credible explanations were provided that were entirely consistent with the highly diversified nature of our colleague's research program. Our colleague had demonstrated a pattern of reimbursing personal expenses, and offered to repay a few items for which the University did not yet have a record of reimbursement.

Even interpreted in the worst light, which is not the light in which a colleague's actions should be judged, the issue in our view did not rise to the level of immediate termination without any prior remedial measures. The unbending line taken by the administration to this dismissal has been driven, we are told, by the University's solemn obligation as a fiduciary to be accountable for the spending of public monies, and to avoid the risk that anything but a "zero tolerance" approach would pose to preserving the stream of research grants — our life blood. I would characterize this as a managerial emphasis. There are, after all, two sides to the university's fiduciary role: one is to use its authority to safeguard monies invested in it; the other, though, is to take care of members of the academic community and to allow for restorative justice when that is possible.

Immediately after the dismissal decision, (which was taken with remarkable alacrity, without peer involvement, and which left a colleague locked out of the University from one day to the next) we sought to meet with the Principal to explain that we thought this case fell into the latter rather than the former category. We were told, however, that it was not appropriate for the Principal to meet with the Association on the matter. In the end we were left extremely troubled by the way this case was handled, and were convinced that an arm's length peer review process, as is the case in all other major universities in Canada — not one left to the Dean and Principal alone — would have come to a different result.

In deciding to challenge the dismissal on behalf of our colleague, we believed that we could rely upon the internal employment regulations of the University to address this problem. However, the administration refused to confirm to us, and indeed to our lawyers, that the internal arbitration process could lead to reinstatement. The position taken by the administration was, "Once you're gone, you're gone." Of course, our position was that if somebody has been unfairly or unjustly dismissed, we want the ability to challenge this and to have that person restored to a tenured position. The administration refused to accept that this was a possible outcome of arbitration. We were thus obliged as an association to go to court on the matter, and we are now before the Quebec Labour Board seeking to have a senior colleague reinstated. The overall position taken by the administration has in my judgment focused unduly on ensuring that its prerogative to dismiss remain unfettered in what it judges to be egregious cases.

The case I have described should have been addressed internally through discussion with the faculty association and if necessary through arbitration. Instead, a lot of money is being spent by MAUT and by the University on an issue that, as the judge has made clear, will come down to whether the University can discharge its burden of proof to show that no remedial steps short of dismissal were possible. We may not have a resolution before another year and in the meantime a colleague's career hangs in the balance. I acknowledge this is the "through the glass darkly" part of my experience as MAUT President — this is the pathological case — but it is inevitably the case that was most striking to me as I took up my role over the course of the year. I still hold out some hope for an eventual collegial settlement.

However, that is not the only case that has raised concerns about collegiality. I became involved as advisor to our colleague Dr. Barbara Sherwin, who was accused in the press of having signed a ghost-written article sponsored by a pharmaceutical company. A public statement, written and released by University Public Affairs for Dr. Sherwin, stated that she had made an error in signing her name to the review article in question without insisting that a medical writer who had assisted her be acknowledged. In fact, that writer had held out that she was working with the medical journal, but did not disclose to Dr. Sherwin her relationship with the pharmaceutical company. When asked by Dr. Sherwin, the medical writer said she did not want to be acknowledged since Dr. Sherwin had written most of the initial draft, had written successive redrafts and edits of the manuscript and had sole responsibility for its scientific content.

Given a flurry of newspaper articles, the University was careful to protect its own reputation, stating in its press release that it would investigate Dr. Sherwin for breach of research ethics. In my view, McGill was by contrast insufficiently careful about protecting the reputation of our colleague. In fact, Dr. Sherwin has been cleared of charges of ghost-writing or of any untoward relationship with a pharmaceutical company. The sad truth is that she is the last person who would knowingly become embroiled with a pharmaceutical company; her exemplary research record demonstrates, to the contrary, that she has been scrupulous to avoid any pharmaceutical company interference in her research — even refusing to accept "free" drugs for her clinical trials, and indeed having been herself actively involved in bringing questionable research promoting drugs to light. She was entrapped in a sophisticated scheme to use medical writers to promote results judged favourable by the company in question, even though Dr. Sherwin's review article did not, in fact, favour their drug. I believe that the general collegiality concern is the following: we no longer have the impression that the first instinct of the university is to protect colleagues when reputations are at stake. This too is a symptom of managerialism.

A different collegiality concern that we have begun to face is a very narrow construction of what consultation with the university community now means. You are all familiar with the staff benefits problem that we went through. What was most remarkable to all of those who participated in that process is that when the Staff Benefits Advisory Committee (which is charged with reviewing

the benefits package) met, and when a consensus was not quickly arrived at concerning how to administer a \$1 million imposed cut, the administration then took the position that it could simply put in place its own cuts. We never saw the changes to the benefits plan before it was announced, and a number of principles that all of the employee groups had insisted upon — that retired members not be affected disproportionately, for example — were not respected in the announced changes that initially came down.

MAUT was thus obliged to take a position, in common with the other employee groups on campus, seeking the reversal of the benefits decision. I know that for some of you, certainly even for some members of the Executive, this was a rather difficult moment in the history of MAUT because we were now playing much more in the mode of a union than in the mode of a voluntary association as we tried to produce a better outcome. I think we were ultimately able to produce a better outcome collegially with the administration, but with a degree of prior brinksmanship that I think all of us found very uncomfortable and worrisome.

I will only allude to the situation that has been facing our librarians, an issue that has been arising before MAUT for a number of years now, but here too the challenge that we face is to produce a meaningful process to address concerns that have arisen from our members. We believe we finally have in place a common collegial process with the administration. I acknowledge that MAUT itself has been seen, at least from some vantage points, as not always in line with the needs of its members on this issue. There are good debates that can be had back and forth on that question. But let me focus on a broader observation concerning what the librarian situation tells us about the state of internal deliberative processes at the university. The librarians like to tell us that in a sense they are canaries in the mine, that they have been the first to go through a shift toward managerial governance, signaled by a disappearance of their Library Council. They say that what they perceive to be an erosion of their collegial processes is going to happen to others. We already see certain signs that they may be right.

In many faculties, faculty councils are now dysfunctional. They have been replaced by Town Hall processes, having no meaningful deliberative function. This is something of huge concern, because if our basic deliberative institutions are not working and are not meaningful, then it is actually all but impossible to generate collegial

governance ultimately at the level of the Senate and elsewhere in the university.

I do not want to suggest that this issue is of concern in every faculty; there are some faculties — my own for example, the Faculty of Law — where we have meaningful deliberative processes working within our faculty council. But many of you are familiar with situations in which that is not the case. The Faculty of Medicine is a prominent example now of a faculty which no longer has a faculty council that is meeting in a regular deliberative fashion.

A last general issue of collegial governance concerns how we get responses to the positions that we take we take as an Association and the tone that is established both by MAUT and by the administration. For example, and I suppose it goes with the territory, once we took the position on staff benefits that we did, the relationship with the university administration became — at least for me, for a period of time — quite difficult. We had changed the tone. And so one of the things that we have to reflect upon is this: if we are getting into processes that are more conflictual and less collegial, how do we manage those processes so that they do not negatively affect the general trend line of relationships between faculty members and the university?

Let me propose three principles I believe we should apply to help us assess the state of collegiality. First, it seems to me that if collegiality is going to work, it requires a reciprocal commitment. It is not enough for a faculty association to seek always to operate on the basis of collegiality if indeed it is not seen to be a real vis-à-vis in discussions. We are partly to blame ourselves, however, for erosions to collegiality. The second principle I would then advance is a use-it-or-lose-it principle: if we are not seeking to use our faculty councils and Senate, and indeed if we have difficulty attracting particularly younger colleagues to continue to participate in MAUT, there will be a de facto ceding to a managerial university. And finally — in my own judgment, as strong a believer as I am in having MAUT remain a voluntary association that proudly has among its members the Principal and the Provost and is thus not understood on its own terms as being in an adversarial relationship with the administration — unless the first two principles are observed, I do not believe that a voluntary association is sustainable as a model for the governance of university-faculty affairs.

All of this leads me to a final thought: sometimes as I reflect on these themes for myself, I feel like I've become a bureaucrat because I start to care intensely about the technical dimensions of staff benefits or the technical dimensions of this or that problem. But at the end of the day, what is at stake is not so much how any particular issue is resolved, but rather what kind of community and set of relationships we have within the university. So one needs to turn on its head the notion that in order to respond to the realities of the world, to the realities of the economy, to the realities of Canadian productivity, we need to move more in the

direction of putatively efficient corporate management structures. On the contrary, in the absence of a zone of free and creative inquiry, many of these other activities themselves are not possible. And that is why I leave you with a quotation from Herman Hesse's *Glass Bead Game*:

People know, or dimly feel, that if thinking is not kept pure and keen, and if respect for the world of mind is no longer operative, ships and automobiles will soon cease to run right, the engineer's slide rule and the computations of banks and stock exchanges will forfeit validity and authority, and chaos will ensue.

## Notes from the Spring General Meeting Faculty Club, April 15, 2010

compiled by Deanna Cowan

[deanna.cowan@mcgill.ca](mailto:deanna.cowan@mcgill.ca)

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### INTRODUCTIONS

**Richard Janda**

[richard.janda@mcgill.ca](mailto:richard.janda@mcgill.ca)

R. Janda opened the meeting by first extending greetings from Max Roy (President of FQPPU) who was unable to attend, and then introducing guests Ron Critchley (President of MUNASA), Kevin Whittaker (President of MUNACA), and Robert Huot (President of SEU), all of whom have worked together with MAUT over the past year on Staff Benefits issues. All four employee groups will work together again in the coming year on the Internal Annuity issue.

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### PRESIDENT'S REPORT

**Richard Janda**

[richard.janda@mcgill.ca](mailto:richard.janda@mcgill.ca)

See extract, "Reflections at the end of the Mandate," page 1.

**COMMENTS:** R. Palfree asked why it was so difficult to get younger members to join MAUT? Lots of measures have been taken, why aren't they succeeding? We are having trouble getting a quorum at meetings; people need to be aware that this is not just a free-lunch social event.

R. Janda replied that we have had some recruitment success, and now have a specific proposal before the Provost — which has been given cautious acceptance — that all new hires automatically become MAUT members for one year for free, and we'll have to convince them to stay.

However, there are so many pressures on younger colleagues (performance, etc.) that MAUT may seem less important for the moment, and we need them to understand that membership in MAUT is immediately significant to them. Convincing people to participate in collegial governance is a more difficult challenge.

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### CONSTITUTIONAL AMENDMENTS

**Joseph Varga**

[jvarga.maut@mcgill.ca](mailto:jvarga.maut@mcgill.ca)

Several amendments to the MAUT Constitution were proposed, discussed and voted upon. The articles concerned

- the eligibility for membership in the Retirees' group,
- procedures to address unfilled Executive positions,
- the title of the (current) Secretary-Treasurer position,
- the possibility of using electronic ballots,
- an expanded statement of purpose for MAUT, and
- a housekeeping change that moved the Librarians' Section to a separate article.

The amendments were voted upon and passed.

[The MAUT Constitution as amended is posted on the website, <http://maut.mcgill.ca/constitution.php>]

Bylaws were presented for discussion, upon which Council must base its ratification. They included

- standing committees and caucuses,
- timelines for the Nominating Committee,
- nomination of MAUT representatives on University Committees,
- revenue neutrality of the Retirees' Committee,
- the possible imposition of a special fee for people who have never joined MAUT or have let their memberships lapse.

**COMMENTS:** K. Wallis asked why there was a Committee on Collegiality, but none on Academic Freedom?

R. Janda agreed that this was a good question, which would surely be taken under advisement.

M. Richard asked if MAUT intended to compile a list of people as potential nominees to committees?

R. Janda replied that it was preferable to consider individuals for specific committees, rather than for future vacancies which would be discussed if and when they occur.

T. Velk agreed that a strong MAUT membership carries more weight in negotiations with the Administration, and that a special fee for new or lapsed memberships might be a way of dealing with "free riders." Legal actions seem to be arising more frequently, so MAUT needs the money.

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### PAST-PRESIDENT'S REPORT

**Edith Zorychta**

*edith.zorychta@mcgill.ca*

E. Zorychta began by announcing the names of the incoming Executive members. Council could not be announced yet, as there were problems with the delivery and return of ballots, so deadlines have been extended. [See page 15 for Executive and Council 2010-2011.]

McGill's salary policy is supposed to situate McGill near the mean — rising to the top — of the Group of Ten (now the Group of Thirteen). Budgetary problems last year resulted in a six-month freeze in implementation, but the three-year agreement developed a couple of years ago will be upheld, i.e. increases of 4.15% and 5.15% over the next two years. The Professional Development Allowance, Recruitment, and Anomaly funds used to be part of the salary envelope but are now moved out into a separate package and are not part of the percentage increase. Benefits are now included in "total compensation" and will be considered along with salaries.

McGill is still situated somewhere in the middle of the Group of Thirteen: it could be better, but it could also be a lot worse.

**COMMENT:** T. Velk noted that we were likely to be looking at a period of higher inflation, and there should be a specific statement about some degree of inflation protection built into salary discussions.

E. Zorychta agreed, and added that we need a better way of estimating inflation, both country-wide and local.

E. Zorychta then outlined several policies that MAUT representatives have worked to prepare and/or revise over the past year.

Update on the issue of the University's pension plan contributions for employees 69–71 years of age: the case is now in appeal, and we are hopeful that it will succeed. MAUT's position is that a 70-year-old doing the same job as a 40-year-old is entitled to the same elements of compensation. Pension issues will be discussed at a Retirement Forum in the fall.

R. Janda thanked E. Zorychta for all her hard work and contributions over the past several years.

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### REPORT FROM THE V-P EXTERNAL

**Brendan Gillon**

*brendan.gillon@mcgill.ca*

The most important item on the horizon is the resurgence of Bill 38. It seems to be dormant, but it will be back and we will need to prepare for that.

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### REPORT FROM THE V-P INTERNAL

**Ian Butler**

*ian.butler@mcgill.ca*

The Benefits issues referred to earlier in the meeting, in the context of collaboration with the other employee groups, were brought about by a \$5 million reduction in the University budget; there are further reductions to be made in the next few years, and more difficult decisions will need to be made. I. Butler invited members to contact him if they have questions about ManuLife or the way the benefits packages are negotiated.

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## REPORT FROM THE SECRETARY-TREASURER / V-P FINANCE

**Hamid Etemad**

*hamid.etemad@mcgill.ca*

H. Etemad assured the attendees that he was not going to announce a rise in membership fees — the Association's finances are stable. We lost some money in recent downturns but most of the losses have been regained. The auditor has no concerns.

H. Etemad mentioned that the Executive and Council are considering a proposal to hire a part-time assistant to help collect and analyze financial data. At the moment we are at the mercy of the University for information upon which to base our discussions.

**COMMENTS:** G. Tannenbaum asked how much money had been expended so far on legal fees for current actions?

H. Etemad replied that over two installments, a total of \$75,000 had been authorized; not all of that has been spent yet. We have tentatively reserved up to \$120,000 for legal activity.

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## REPORT FROM THE V-P COMMUNICATIONS

**Deanna Cowan**

*deanna.cowan@mcgill.ca*

D. Cowan reported that the Blog (<http://blogs.mcgill.ca/maut>) was up and functioning well. Also, the excellent notes of Senate meetings prepared by the Librarian Senators are now being posted by MAUT. There are links to these notes from the Blog and also from the "Selected Resources" page of the Website. Finally, the next *Newsletter* should be out by the end of May.

[Ed. note: Wishful thinking....]

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## REPORT FROM THE LIBRARIANS' SECTION

**Joan Hobbins**

*joan.hobbins@mcgill.ca*

*See report on page 8.*

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## REPORT FROM THE RETIREES' COMMITTEE

**John Dealy**

*john.dealy@mcgill.ca*

J. Dealy presented the budget for the Retirees' Section for the next year. The website is up and running, and its creator, John Wolforth, will be representing McGill retirees at the upcoming conference of the College and University Retirees'

Associations of Canada (CURAC) at York University. N. Acheson looks into Benefits issues of interest to Retirees, D. Canning is organizing lunches, and D. Thomas-Edding is starting a bridge group — the Retirees' Committee is very active. Several initiatives are being explored for retirees to continue to provide service to the University.

*See also the report on page 9.*

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## REPORT FROM THE CAS AD-HOC COMMITTEE

**Malcolm Baines**

*malcolm.baines@mcgill.ca*

M. Baines noted that CAS (Contract Academic Staff) Committees have been working on these issues since before 1993; last week, a draft of a comprehensive set of regulations was received from the Administration. MAUT and other committee members have examined and revised it — progress is finally being made.

Contracts do not necessarily lead to tenure, but now include statements about job security, benefits, notice of dismissal, severance, performance reviews, promotion, and so on. Position titles will be rationalized and/or redefined. All sectors (academics in the university, clinical staff in the hospitals, etc.) are on board. This report may go to Senate by the end of April, but will likely require further discussion. However, in M. Baines' opinion, "We are more than halfway there."

*Update: see report on page 9.*

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## FACULTY CLUB

**Edith Zorychta**

*edith.zorychta@mcgill.ca*

Tadja Hall at the Macdonald Campus and the downtown Faculty Club are financed mostly by catering activities, meetings and lunches, and also by a salary diversion which has existed since the late 1980s. Last year, some of this salary diversion was applied toward the University's deficit, and the University is suggesting this might occur again. E. Zorychta promised to protest vigorously.

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## CONCLUSION

**Richard Janda**

*richard.janda@mcgill.ca*

After thanking Joseph Varga and Honore Kerwin-Borrelli for their invaluable contributions and hard work, R. Janda adjourned the meeting.



**ERRATUM**

The following statement appeared in the *MAUT Newsletter* 35(2), 2009, Fall General Meeting notes:

John Kurien, speaking as one of the employees who had been caught up in the ABCP fiasco, expressed the view that the Pension Advisory Committee and its chair had not satisfactorily represented the members who stood to lose so much money.

Unfortunately, this was a misinterpretation. For clarification, please see the following extracts from the transcript of the meeting:

J. Kurien: The MAUT consultation process was consistently with the Chair of the McGill Pension Administration Committee which made the decisions and the policies which ended up in losses. The MAUT, I am sorry to say, has effectively not done any consultation with those of us who were the losers. Six of us, who have lost half the money, felt that MAUT was acting for the Pension Administration Committee rather than for us. You many have a different perspective but I want the members to know that those

of us who lost the money felt that MAUT was not representing us.

E. Zorychta: Thank you for your comments. ... there were six of you who had moved all of their holdings into the Money Market Fund and they felt they should have been reimbursed 100% and I understand that. At the same time ... you have to realize that the person who you're talking about on the Pension Administration Committee was basically the MAUT representative on the Pension Administration Committee and was working very very hard on behalf of all MAUT members. He must have spent ... hundreds of hours working with us as the MAUT representative in order for us to convince the administration that they ... should make some adjustment to this situation. ... I think that MAUT was very well served by its executive and also by its representation — and there was more than one — on the Pension Administration Committee, they have been tireless representatives for years, working on our behalf.

I apologize for the *Newsletter* inaccuracy.

D. Cowan, editor.

## Report from the MAUT Librarians' Section

**Joan Hobbins**

[joan.hobbins@mcgill.ca](mailto:joan.hobbins@mcgill.ca)

Over the past year the MAUT Librarians' Section has had a working group dealing with the recommendations of the still-confidential CAUT report, *CAUT Ad Hoc Investigatory Committee into Academic Librarians at McGill University*.

The Section, in partnership with the MAUT Executive, agreed upon a mandate to have an independent MAUT Commissioner review information pertaining to the CAUT report. The MAUT Commissioner's findings validated those in CAUT's report. We now have a working document, *Changes Needed to Improve Collegiality and Protect Academic Freedom for Librarians at McGill University*.

A meeting has been set with the Provost and representatives from both the MAUT Librarians' Section and MAUT. The outcome of this and future meetings will determine many things. A positive outcome, which is what we all want, will mean that governance, collegiality, academic freedom and other problems in the library will be addressed and the CAUT report will not be published.

Specifically, I would like to personally and publicly thank both Richard and Brendan for all their support and help.

### MAUT - Librarians' Section Award

Established to assist a member of McGill Library's support staff enrolled in the Library and Information Sciences graduate program, the award had not been given out for several years.

We are pleased to announce that the 2009-2010 recipient is Rachel Demoskoff, from the Life Sciences Library.



## Report from the Retirees' Section

**John Dealy**

[john.dealy@mcgill.ca](mailto:john.dealy@mcgill.ca)

The Retired Member website <http://retirees-maut.mcgill.ca/> is up and running, thanks to the efforts of John Wolforth, who welcomes your comments and suggestions ([j.wolforth@mcgill.ca](mailto:j.wolforth@mcgill.ca))

The spring lunch meeting at the Faculty Club was held on May 4, and Darlene Canning ([darlene.canning@mcgill.ca](mailto:darlene.canning@mcgill.ca)) has organized one to be held at Tajda Hall on the Macdonald Campus on June 10. Reserve at [maut@mcgill.ca](mailto:maut@mcgill.ca). Monthly bridge sessions started in April, and the second one will be held on May 5th at the Faculty Club from 2:00pm to 4:00pm. If you would like to play, please join us, no matter what your level of ability.

Contact Dorothy Thomas-Edding for further information. ([dorothy.thomas.edding@mcgill.ca](mailto:dorothy.thomas.edding@mcgill.ca))

All Professors Emeritae/Emeriti are now eligible to act as Pro-Deans for oral examinations. If you wish to be placed on the list of those willing to serve, contact John Dealy at [john.dealy@mcgill.ca](mailto:john.dealy@mcgill.ca)

Nick Acheson ([nicholas.acheson@mcgill.ca](mailto:nicholas.acheson@mcgill.ca)) continues to keep a close watch on benefit issues of importance to retirees. The Retiree Affairs Committee has accepted his recommendation that we press for retiree representation on the Staff Benefits Advisory Committee. Retirees have such representation at many Canadian universities.

## New Policy for McGill University Contract Academic Staff

**Malcolm Baines**

[malcolm.baines@mcgill.ca](mailto:malcolm.baines@mcgill.ca)

On May 19, 2010, the McGill University Senate passed a new policy: *Regulations Relating to the Employment of Contract Academic Staff*. There are more than 4,000 Contract Academic Staff (CAS) at McGill, hired under a variety of titles that often did not reflect their capabilities or their contributions to the university, and for many CAS there was no option for promotion, no matter how competently they performed. The new policy was the result of a long process of analysis, research and consensus-building that originated from a MAUT / McGill survey in 1993.

Following the Principal's Task Force in 2002, changes were made to the working conditions and compensation for some CAS members, particularly Course Lecturers. Finally, in 2007, the Provost's Task Force, with representatives of the different CAS sectors, undertook a university-wide process of consultation and produced a comprehensive report that included 23 specific recommendations that were approved by the Senate in April of 2008. A separate committee provided input from the Faculty of Medicine.

During the past year MAUT has worked with the Associate Provost, Bill Foster, on the development of regulations to implement the desired goals; MAUT was represented by Professors Malcolm Baines and Edith Zorychta, with input from an

MAUT committee comprised of CAS members broadly representative of the University.

There are a number of important features within this new policy:

1. For the first time, academic faculty members hired on a contractual basis without eligibility for tenure will find a chapter in our Academic Handbook that specifically addresses their working conditions in a logical, transparent and comprehensive manner.
2. Academic titles have been structured and modified to reflect the primary area of expertise and to provide options for career progression for faculty members in all academic streams.
3. Appropriate categories are defined for academic staff members in **Ranked** (Professors, Research Scientists, Research Scholars, Faculty Lecturers), **Unranked** (Academic Associates, Research Associates, Instructors, Curator), **Adjunct** and **Visiting** positions.
4. The performance expectations for academic work will be more transparent in both the hiring and reappointment processes.
5. All academic staff will have an annual performance evaluation related to their designated areas of responsibility.

6. The principle of five years of initial term appointments followed by an indefinite term of appointment with requirement for severance has been preserved.
7. The criteria for promotion after six years of service will be clearly defined, and the process and timing of promotions will be similar to that for the academic community at large, based on the actual nature of the academic duties and work assigned.
8. Qualified CAS members can apply for promotion to positions in different streams (e.g. promotion from an "Unranked" academic title to a "Ranked" academic title).
9. Qualified CAS members who apply for tenure-track appointments will be evaluated by the same criteria as all other applicants.
10. Course Lecturers will be appointed as part-time Faculty Lecturers when their course load exceeds nine credits over two terms, and full-time Faculty Lecturers for more than 15 credits.
11. CAS members will be eligible to participate in departmental, faculty and university governance.
12. CAS members will be eligible for academic awards as appropriate.

## Meet, greet and eat... MAUT barbecue stimulates appetites and discussion.

**Terry Hébert**

*terence.hebert@mcgill.ca*

On May 27, the MAUT held a barbecue on the terrace of the Trottier Building. Given the heat and humidity of the previous few days, we could not have asked for better weather to hold an outside event! The barbecue was actually the second event scheduled by the recruitment and membership committee in order to attract new members. You may remember that we held one in the McIntyre building last December. I don't know if it was the weather, the good food or the fact that we weren't stuck in front of the elevators near the cafeteria in the McIntyre, but attendance was pretty good — around 60 people, and we actually did recruit several new members. This was thanks in part due to efforts made by the executive, council and members of the aforementioned recruitment and membership committee to bring departmental colleagues who had not yet signed up as members.

Equally important, the barbecue brought together a large number of MAUT members from different departments. While eating grilled delights according to their preferences, many interesting discussions were had. I think these events are an excellent way to exchange information between colleagues in different faculties and at different career stages. Some of us had attended the Faculty Council and Town Hall held by the Faculty of Medicine the day before; this meeting touched on three aspects of academic life at McGill: teaching, research and the academic life cycle.

Our colleagues in other faculties were surprised that the Faculty of Medicine, as part of its aptly

named "Thinking Dangerously" exercise in strategic planning, is actually considering getting rid of tenure and abolishing departments as the center of academic life at McGill. Although still in the discussion stages at this point, it was generally recognized by everyone I talked to at the barbecue that these types of changes will have broad ramifications for academic life across McGill, and not just in a single faculty.

As your new VP Communications, I will be providing you with more information on the "Thinking Dangerously" discussions in coming weeks on the MAUT Blog and in upcoming editions of the *Newsletter*. I will also provide links to the presentations made by the various planners when they become available, so you can analyze them yourselves. I would also suggest that MAUT actually hold a forum to facilitate discussion of these issues and what they might mean for current staff and for any new recruits — and for the future of academic life at McGill. Without academic departments, I find it difficult to imagine how two tiers of academic staff will not be created, one devoted to research and another devoted to teaching. I don't know about you, but I find that a disturbing notion that we need to consider profoundly.

On a personal note, I would like to thank the outgoing VP Communications, Deanna Cowan, for all her work over the past few years on our behalf. That also extends to other outgoing members of the Executive and Council. Also, I would like to thank her for all her help in facilitating my entry

into her figurative shoes. Finally, I would apologize to her in advance for the many questions I will have for her throughout my own tenure in this position. I'm looking forward to the challenges

ahead and looking forward to hearing from all of you with your thoughts, comments, ideas and maybe even content for the *Newsletter*!

## Library Councils and Collegial Library Governance: from a presentation to the MAUT Librarians' Section, May 27, 2010

**John Hobbins**

*john.hobbins@mcgill.ca*

The issue of Library or Librarian Councils in relation to collegial governance raises a number of questions:

- What is collegial governance?
- How did councils arise in the academic setting?
- How did they develop in libraries?
- What would be the best model in the contemporary McGill Library setting?

Before considering the last question, however, we should look at the first three to gain some context. We will have to go quite a long way back in history. "Academic" and "collegial" are words we throw around all the time: academic is an adjective taken from the noun academy, while collegial is the adjectival form of college.

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### WHAT IS THE DIFFERENCE BETWEEN AN ACADEMY AND A COLLEGE?

The academy was the original name for a garden owned by Academus of Athens. Plato taught his students there in what became called by Horace the Groves of Academe. From this point onwards, an academy became a place where arts and sciences were taught, and an institution of higher education.

In modern usage we tend to think of universities, colleges and academies as places of learning, distinguished perhaps by size and level of education. However, the concept of college as place is of relatively modern origin. Originally from the Latin for "to collect", it is defined by the *Oxford English Dictionary* as "an organized society of persons performing certain common functions and possessing special rights and privileges." It is a collective noun for a group of people, still used in such institutions as the College of Surgeons, the College of Cardinals, or the American Electoral College. Thus when we talk of academic staff we mean people who work for a certain institution as place,

while collegial governance refers to management by all members of the College.

In the early days of McGill not all academic staff were members of the college, and more recently we have made the division between academic and non-academic staff. The college was essentially the professoriate; other members of staff were left out.

Universities have a long history of being independent, self-governing communities — something that often brought them into conflict with the ecclesiastical and secular powers of the day. The concepts of academic freedom and tenure owed their roots to the need for protection against external forces or internal authority motivated by external pressure. Academic freedom was therefore the freedom of the academy to pursue knowledge without outside interference.

Turning to the history of our own institution and how it developed, does anyone know the original name for McGill University? The "University of McGill College" was used until about 1885, showing that our founders clearly understood the distinction between the University as place and the collectivity of its scholars. There were essentially two important bodies that ran the University. The Board of Governors, chaired by the Chancellor, was the ultimate authority in matters involving finance, external relations, building and grounds, etc. Internal academic matters were delegated to the College of Professors, which nonetheless reported to the Board. This college met in what was called the Corporation, which was chaired by the Principal and included all professors and some alumni representation. The University was then as now divided into faculties, each with a Dean.

Things moved along happily enough until the 1930s. By then the University had expanded significantly and the Corporation became completely unwieldy because of its size. The statutes were rewritten, largely by Percy Corbett, the Dean of Law, and adopted in 1935; the Corporation was

abolished and Senate created to replace it. Senate, chaired by the Principal, would consist of the Deans and faculty representatives based on the relative size of the faculty. In total it had around 28 members.

The creation of Senate made running the academic side of the University once more manageable. However, the abolition of the Corporation disenfranchised the large majority of faculty members from the collegial governance structure. Therefore the statutes called for faculty meetings at least four times a year. The faculties would be self-governing over their internal affairs, subject to the authority of Senate. While the statutes do not use the term, these meetings are generally known as faculty councils.

To summarize, faculty councils were created to give a faculty control over internal matters and to partake in collegial governance through its reports to Senate, or to Senate's committees such as the Academic Policy Committee, and through the election of its representatives to Senate.

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### WHERE WERE THE LIBRARIES IN ALL THIS?

When the first University Librarian, Charles Gould, was hired in the 1890s, he was a member of the Corporation. So were his successors. However, no other library staff member, whatever his / her qualifications, had any role in collegial governance. The University Librarian was in charge of one library, the University (Redpath) Library. The Statutes specified he would be a member of both the Faculty of Arts and the Faculty of Science Councils, since the University Library primarily served those two faculties. However, many other libraries for other faculties and departments grew up over time; the branch librarian, who reported to the department or faculty, was on occasion a member of the appropriate faculty council.

In the 1960s a movement began in North America to make librarians members of the academic rather than administrative staff. This required distinguishing librarians from other library workers, which introduced the question of academic credentials. Canadian library schools began offering a Master's of Library Science; the Corporation of Professional Librarians of Quebec was established at the end of the decade, to set certain standards for those who wished to call themselves professional librarians; second subject masters' degrees began to be encouraged for academic librarians.

At McGill, the powers that be began to take a close look at the library situation through the University Libraries Commission. Until the end of the 1960s we had been pretty complacent, having the largest library collections in Canada throughout our history. Suddenly, without a word of warning, the University of Toronto passed us and there were discouraging noises from the far west. The University Libraries Commission found a completely chaotic situation: there were over 60 libraries at McGill, each doing its own cataloguing, acquisitions and public services. The academic qualifications for the "librarian" in charge ranged from a PhD (not necessarily a library degree) down to high school graduation. Some libraries were run part-time by departmental secretaries.

The University Libraries Commission made some sweeping and dramatic recommendations. Only official libraries would receive any university funding: 30 of these were named, and all other collections were abolished. The 30 libraries would be divided into five areas — Humanities and Social Sciences; Life Sciences; Physical Sciences and Engineering; Law; and the odd one out, the Undergraduate Area.

Each Area would have an area librarian reporting to the Director of Libraries. Each Area would be independent with its own technical services department (except the Undergraduate area). The Director of Libraries' principal job would be budget allocation along strategic lines. The Senate Committee on Libraries would advise the Director, while each area would have an advisory committee from the professoriate (generally from several faculties). Librarians should have the proper qualifications (a master's degree or its equivalent) and librarians should become members of the academic staff. The Commission felt this system would cost McGill about \$1 million extra per year but would restore us to pre-eminent position.

As brand-new academics, we had a lot of things to do. We had to work out a series of contracts that would lead to 'permanence', or tenure as we now know it, with guarantees against arbitrary dismissal. We had to work out a personal-ranking scheme reflecting our accomplishments to replace the old position-ranking scheme; this meant defining goals and expectations. We established the first librarians' association, AMUL (Association of McGill University Librarians.) We also turned our thoughts to a Library Council

A new Director was hired to implement the area system. He believed in participatory management, which is not quite the same as collegial governance. Collegial governance generally implies reaching consensus; participatory management means we offer our opinions on issues and then management makes a decision. Not the same, but better than a dictatorship. This led to the question of how we get people to participate — one we still face, but for different reasons.

Each of the five areas had a council consisting of elected members of both the librarian and library assistant staff. These councils in turn elected members, according to the size of the area, to the Library Council chaired by the Director, also known as Super Council. Area Librarians sat on it ex officio. There was a great deal of business, mostly concerning setting up the area system and developing effective means of communication. At the time the staff was very large, consisting of over 100 Librarians and some 350 library assistants. Many committees were established and staff had significant input. Thus, while these councils lasted, library staff felt much more involved in decision-making and morale was high. However, the area system proved unsustainable and was never fully implemented.

The 1980s and 1990s brought a succession of financial crises. The area system was abandoned, libraries were closed and services were centralized. Over time, the staff complement was cut in half, taking advantage of both administrative restructuring and automation. The demands of the job became so heavy that the system of councils was discontinued. Since then various groups have been put together, some more “council-like” than others. Membership tended to be based on administrative function and not on peer election. Administrative librarians had the responsibility to pass on information to their units, although electronic communications have also been employed. These administrative groups sometimes allowed debate on issues, while others had the aspect of town hall meetings where information flowed only in the downward direction. Certainly in the last decade the rank and file librarian has felt isolated from the decision-making process outside his/her own unit.

The modern faculty council has also undergone some changes. One, that of Medicine, has ceased to meet despite the statutory requirement, and has been replaced by sporadic town hall meetings. Some, such as Arts (when I was a member), are sparsely attended. Others like Law (of which I was

also a member), are very active and well-attended (partly because the previous Dean stated it was part of one's academic duty to attend). All have committees, such as curriculum committees, which report to them. All distribute information to members of the faculty. We can conclude that active faculty councils perform genuinely useful functions. Moribund ones seem to create problems — for example, Medicine was unable to elect a senator for over a year. The conclusion is that councils have to meet regularly, conduct active discussions, and not become another vehicle for downloading administrative information.

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### **THE CREATION OF A LIBRARY COUNCIL RAISES A NUMBER OF QUESTIONS.**

Many have been addressed in the CAUT Librarians' Committee discussion paper on the subject, updated in 2007 but essentially unchanged from 1999. These questions include the membership, the chair, the reporting lines, the mandate, policies and procedures.

**WHO SHOULD BE A MEMBER?** CAUT suggests the Council can be either just librarians or include other representatives, depending on the institutional culture. My own view is that until the Council becomes established it should simply include all librarians, including non-tenure track.

**WHO SHOULD CHAIR THE COUNCIL?** Put another way, what should be the role of the Director of Libraries? Councils are a collegial body in which all members should be equal. They will fail if the chair uses the office to give information and discourage members from contributing their own views. To prevent this, CAUT offers a couple of models in which the Director is not the chair:

- The Director sits not as a member of Council but an invited guest. This allows the Director to distance him or herself from Council actions that he or she cannot accept.
- The Director sits as a peer with other librarians, but the meeting is chaired by a speaker. The Director will always have an agenda item for “Director's Business” to pass on information, but this should be of limited duration. The speaker's role will include ensuring all librarians have the opportunity to speak.
- The Director sits as peer but also chairs the meeting.

Whatever model is used, the Director will have to carry Council's wishes to the administration so it is recommended that reports be written. Similarly, Librarian senators will carry Council's view to Senate, as will the Director. My own view is to take the speaker approach at first, but the Director should be a full peer with voice and vote.

**WHERE SHOULD IT REPORT?** All Councils at McGill report to Senate in terms of the statutes, expressing the view of the "college". Most business is of an internal nature and does not need to be referred. Our library transitional provisions talk of developing policies through a collegial process and a Council is the perfect vehicle for this. However, other things may need to be referred for approval such as a mission statement or system goals. The usual way for this would be through the Senate Committee on Libraries. In this regard it might be useful to have at least one librarian senator on the Senate Committee on Libraries. The SCL could refer to Senate items which require approval in a timely fashion, while other matters could form part of its annual report.

**WHAT SHOULD THE MANDATE BE?** How should it be distinguished from the MAUT Librarians' Section? Through lack of a Council, the staff association has attempted to fill some of the roles that Council should play, as has the Director's Office in matters such as elections. This has led to some problems and frictions. From the start, Council should be considered a policy-making body, as opposed to an information-sharing body, within the framework of the Statutes, the Regulations and existing library policies. The Librarians' Section has a role as a policy-proposing body in terms of the status and working conditions of librarians. Some of these proposals might go to Council, others directly to the administration or the larger staff association. Obviously the Librarian's Section has a major role in supporting individual librarians, mentoring, advising and resolving individual problems. Council would however establish library policy. For example, guidelines on reappointment and tenure requirements should be a Council document, although the staff association could certainly submit briefs on the question as could any individual or group. Council would have a duty to protect collegiality. Council documents should clearly state for library committees which members are appointed and which are elected. It should have a nominating committee to handle elections. The nominating committee may also make recommendations to the Senate Nominating Committee to suggest librarians for univer-

sity committees such as the Senate Committee on Libraries. It should have a secretary to record the minutes, prepare agendas etc., with clerical support provided by the Director's Office. The agenda should set aside some time at the beginning for the Director's report and, if desired, Associate Director's business. There should be a question period for questions submitted in writing in advance. The main part of the meeting would be for general business and policy development.

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## POTENTIAL PROBLEMS

The obvious difficulty in the development of an effective library council is that we are attempting to convert a faculty collegial model to an enterprise that is basically hierarchical in structure and administration. The key factor is that the Director of Libraries needs to perceive him / herself as an academic rather than an administrator – a first among equals. We all appreciate the need to centralize functions in the interest of efficiency, but power cannot be centralized in a collegial setting. The administrator must be prepared to share power with the collegium, and perceive dissent as healthy. Librarians should not be penalized for expressing opinions, no matter how tangential to the mainstream. Indeed sanctions taken against a librarian for expressing an opinion should be considered contempt of Council. Perhaps, like Senate, there needs to be a Committee on the Rights of Council.

What does the administrator have to gain by sharing power and, in effect, slowing down progress? (Collegiality does not foster rapid decisions.) We have excellent facilities now, and outstanding collections. What we lack is staff buy-in at many levels. Staff have felt left out of policy development and feel that much has been imposed. If we can involve librarians in the decision-making process in a meaningful way, we will have a system where people will want to come and work. A Library Council will help in this. Council activities will be open and published; they will be reported at the local level, branches and services. Librarians will bring back to Council the views of their units, and of all levels of staff. It will therefore be critical to develop terms of reference and a mandate for Council that the Director and administrative librarians at all levels accept. This will not be easy. We also have to persuade younger colleagues to speak up without fear, because their views are as good as anyone else's – and on occasion better.

**MAUT EXECUTIVE AND COUNCIL May 2010 - April 2011**

<b>EXECUTIVE</b>	<b>NAME</b>	<b>PHONE</b>	<b>FAX</b>	<b>E-MAIL</b>
President	Brendan Gillon (Linguistics)	4868	7088	brendan.gillon@mcgill.ca
President-Elect	John Galaty (STANDD)	1336	4619	john.galaty@mcgill.ca
Past President	Richard Janda (Law)	5097	8197	richard.janda@mcgill.ca
V P Internal	Ian Butler (Chemistry)	6910	3797	ian.butler@mcgill.ca
V P External	Meyer Nahon (Mechanical Engineering)	2383	7365	meyer.nahon@mcgill.ca
V P Communications	Terry Hebert (Pharmacology & Therapeutics)	1398	6690	terence.hebert@mcgill.ca
V P Finance	Craig Mandato (Anatomy & Cell Biology)	5349	5047	craig.mandato@mcgill.ca

<b>COUNCIL</b>	<b>NAME</b>	<b>PHONE</b>	<b>FAX</b>	<b>E-MAIL</b>
	Helen Amoriggi (Education)	2474	4529	helen.amoriggi @mcgill.ca
	Madeleine Buck (Nursing)	4155	8455	madeleine.buck@mcgill.ca
	Deanna Cowan (Library)	398-4475 x 09669	3890	deanna.cowan@mcgill.ca
Retired Professors	John Dealy (Chemical Engineering - Emeritus)	4264	6678	john.dealy@mcgill.ca
	Susan Gaskin (Civil Engineering)	6865	7361	susan.gaskin@mcgill.ca
	Kyoko Hashimoto (Music)	00264		kyoko.hashimoto@mcgill.ca
Chair, Librarians' Section	Karen Jensen (Library)	3513	8919	karen.jensen@mcgill.ca
	Robert Leckey (Law)	4148	4659	robert.leckey@mcgill.ca
	Audrey Moores (Chemistry)	4654	3797	audrey.moores@mcgill.ca
	Petra Rohrbach (Parasitology)	7726	7857	petra.rohrbach@mcgill.ca
	Filippo Sabetti (Political Science)	4812	1770	filippo.sabetti@mcgill.ca
	Alvin Shrier (Physiology)	2272	7452	alvin.shrier@mcgill.ca
	Maria Zannis-Hadjopoulos (Rosalind and Morris Goodman Cancer Centre)	3536	6769	maria.zannis@mcgill.ca

<b>OFFICE STAFF</b>	<b>NAME</b>	<b>PHONE</b>	<b>FAX</b>	<b>E-MAIL</b>
Administrative Officer	Honore Kerwin-Borrelli	3942	6937	maut@mcgill.ca
Professional & Legal Officer	Joseph Varga	3089	6937	jvarga.maut@mcgill.ca



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**Postal Address:** McGill Association of University Teachers  
3495 Peel Street, Room 202  
McGill University  
Montreal, Quebec, H3A 1W7

**Telephone:** (514) 398-3942

**Fax:** (514) 398-6937

**Editor:** Deanna Cowan (Library)

**Administrative Officer:** Honore Kerwin-Borrelli

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