



# QUFA VOICES

Your Queen's University Faculty Association Newsletter

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### PRESIDENT'S VOICE

## A Primer on Policies, Procedures, and Guidelines

The method with which the University approves Policies, Procedures, and Guidelines is arcane, so Members should talk to QUFA if they think something conflicts with the CA

**By Mary C. (Cella) Olmstead  
President, QUFA**

Over the last few months, Queen's administration has sent out a string of communications detailing expectations and responsibilities of our Members as they book university space, partake in off-campus activities, or exercise their right to free expression. Faculty frequently contact QUFA asking where these directives originate, how they were vetted, and most importantly whether they violate the Collective Agreement (CA) and/or our rights to academic freedom. QUFA usually receives university communications at the same time and through the same process as the rest of the campus community, so we scramble to read through newly released documents, answering questions to the best of our ability. We may contact other faculty associations to determine

### QUFA IMAGES

## Awards Season!



Karen Rudie

**Congratulations to QUFA Executive Director Leslie Jermyn (centre), pictured with Past President Kayll Lake (right) and Vice President Karen Rudie (left), on winning the Lorimer Award. Please see p. 9 of this issue of QUFA Voices for more images from this year's OCUFA Awards of Distinction event.**

whether they have received similar directives and, if necessary, we seek advice from organizations such as the Ontario Confederation of University Faculty Associations (OCUFA) or Canadian Association of University Teachers (CAUT). In rare cases, the Faculty Relations Office requests our input before a policy is released,

although they are not obliged to adopt our recommendations, and we are careful to note that our comments do not negate our right to grieve a policy or its implementation.

To get a sense of how these communications land in our inbox, I spent the last week untangling details

on the University Secretariat and Legal Counsel Web site. This includes definitions of Policies, Procedures, and Guidelines<sup>1</sup> that are intended to serve distinct purposes. Policies “guide the operation of the University ... and are informed by its key principles and values” (e.g., EDI). One example is the policy on “Creating, Reviewing, and Administering University Policy”: a policy on policy making. Policies are implemented through associated Procedures and Guidelines, the first describing steps to implement a Policy and the second providing instructions intended to assist in the application of a University Policy. If this isn’t confusing enough, we occasionally receive communication that falls into none of the categories, such as the recent “Use of Generative AI in Assessment Guidance” and “Guidance in Dealing with Classroom Disruptions.” Note the use of the word *guidance*, not *guidelines*, a term that is not defined on the Secretariat Web site.

Policies must be approved by the “relevant Authority,” which could be a single member of the leadership team, anyone from the Principal to a Dean to an Administrative Director. Depending on the context, a different individual may approve a Procedure or Guideline associated with a Policy. Approved Policies are deposited in a University-Wide Policy Library on the Secretariat Web site that specifies the date of approval and issuing authority. The latter provides no information on the Relevant Authority approving the Policy, simply listing

institutional bodies such as Senate, Board of Trustees, or most commonly just University. Ironically, one of the most contentious policies, “Classroom Recording for Disability Accommodation,” has never been approved, despite the fact that it was used to direct instructors on how to run their class, including threatening some (but not all) with disciplinary action for non-compliance.

Policy development must be done in consultation with “groups of interest” through a process, described in the Consultation Guidelines for Policy Development and Review,<sup>2</sup> that emphasizes transparency and accountability. The document specifically notes that policy development should include “enough time to consider feedback collected during consultation.” When queried about the speed with which the new “Guidelines on Peaceful Protests” were released, administration responded that the guidelines were not new but a combination of previous Guidelines already in place. We have asked for more details, including which Guidelines were combined, but have yet to receive a response.

Prior to final approval, Policies and Procedures (but not Guidelines) must be reviewed by the Policy Advisory Subcommittee (PASC) to confirm, among other things “that appropriate consultation has been undertaken.” There is a spot for a faculty representative on PASC, but unfortunately it has not been filled for

a few years, at least. I have offered repeatedly to find a faculty member to sit on this committee, but these requests have been turned down. The question came up at Senate, specifically when a faculty representative would be appointed to PASC and the response was “unknown.”

In Ontario, arbitrators have ruled that there are limitations on an employer’s power to issue Policies and associated rules. Any directive arising from a Policy must be clear, unequivocal, reasonable, consistently enforced, and brought to the attention of affected employees before it can be acted upon. Finally, in the event of inconsistency between directives contained in a Policy, Procedure, or Guideline and the terms of employment contained in the CA, the CA prevails. Members should always consult with QUFA if they have any questions or concerns about how policies are applied in their working lives.

## Notes

<sup>1</sup><https://www.queensu.ca/secretariat/policies/administration-and-operations/creating-reviewing-and-administering-university-policy>

<sup>2</sup>[https://www.queensu.ca/secretariat/sites/uslcwww/files/uploaded\\_files/policies/pasc/Appendix%20C%20Consultation%20Guidelines.pdf](https://www.queensu.ca/secretariat/sites/uslcwww/files/uploaded_files/policies/pasc/Appendix%20C%20Consultation%20Guidelines.pdf)

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QUFA Voices publishes QUFA-related news and information for QUFA Members and provides QUFA Members with a forum to express their QUFA-related ideas and opinions. We want to hear from you! Please send your QUFA-related story ideas, news items, opinion pieces, letters to the editor, photographs, and other submissions to the editor.

QUFA Voices is edited by Robert G. May. He can be reached at [mayr@queensu.ca](mailto:mayr@queensu.ca).

## REPORT

# Finance and Budget Report

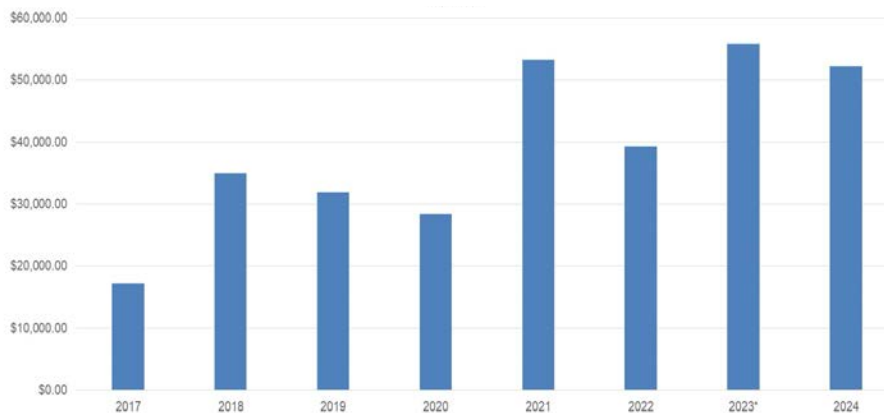
An update on the university's finances and the administration's financial decision-making

By the Finance and Budget Review Committee, QUFA

At the upcoming Fall General Meeting, the Finance and Budget Review Committee will present its report to the Membership on the university's finances. This report is based on the information recently made available through the 2023-2024 Audited Financial Statement.<sup>1</sup> To ensure the entire Membership receives this information, we are also providing this high-level overview.

According to the audited statement, the university ended the fiscal year with a total surplus of \$76.2 million and an operating budget surplus of \$20.4 million. As the university highlighted, this surplus was driven by strong returns from its substantial investment funds (both from its \$1.6 billion in endowment-related investments and from its \$913 million in cash and non-endowment investments). Interestingly, in the Administration's presentation to the Board of Trustees (the financial decision-making body of the university), a calculation was presented where some investment income and a provincial grant are removed from the presentation of the operating fund to create a new category: an "Operating deficit to be addressed of" \$56 million.<sup>2</sup>

Overall, however, most aspects of the university's financial situation improved last year. The university's internally restricted net assets (e.g., capital reserves, operating contingencies) increased from \$389.6 million to \$405.4 million, signalling a strong buffer for any future uncertainty. Meanwhile the university's debt level remained



Queen's University Consolidated Financial Statements, 2017-2024

## History of Interfund Transfers from Operating Budget

*\*From University FAQs: The large deficit [in 2023] was partially driven by a \$30M transfer to the capital fund to pay for the remaining portion of the internal loan for the Queen's Centre construction costs.*

largely stable with a slight decline (from \$372 million to \$370 million). Non-endowment investment funds, cash, and the sinking fund also grew in total value (from \$995 million to \$1,040 million). On the negative end of the ledger, non-investment revenues remained relatively flat (rising only slightly from \$1.04 billion to \$1.06 billion) owing to provincial policies that have frozen operating grants and tuition while expenses increased by \$18.6 million.

Other important findings from our review include:

### Investment income

As you may remember, in the January issue of *QUFA Voices*, the FBRC specifically argued that the decision to limit the use of investment income from the Pooled Investment Fund (PIF) for operation purposes to \$5.2 million (or a return of 0.9%) was something the university should revisit.<sup>3</sup> For context, last year the PIF earned \$70.6 million in investment income. However, the university's policy choice to limit PIF income's use for operating purposes meant that \$65.6 million of this income was transferred out of operations to the capital reserve (see below).

As others have highlighted, the decision to limit the use of investment income to \$5.2 million has not been reviewed since 2017 when the PIF was valued at \$217 million (it is currently worth \$478 million).<sup>4</sup> In their report to the Board of Trustees,<sup>5</sup> the administration has now recognized that this figure is an historical remnant rather than based on any analysis. As such, they have announced that this policy will be revisited, and they will be undertaking a review to determine the appropriate amount of investment income to be budgeted for in operations.

### Interfund transfers

Last year was another when interfund transfers out of operating (\$52.2 million) were far higher than initially budgeted and deviated from past practices (from 2017-2020 such transfers averaged \$28 million per year; see table above). These transfers are over and above the transfer of PIF income outlined in the previous section.

You may remember that such transfers were controversial last year when the university decided to use an

## ANNOUNCEMENT

### Help Our Sector to Prepare for Provincial Elections in the Spring

Our provincial organization, the Ontario Confederation of University Faculty Associations (OCUFA), is preparing for a spring election in Ontario. They want to amplify their message to those running for election by sharing with candidates the numbers of faculty association members that are located in each riding. The idea is to suggest that there is a measurable bloc of voters who care about the state of our university system so candidates need to care too.

If you'd like to join this effort, please go to the Elections Ontario Web site and enter your postal code:

<https://www.elections.on.ca/en/voting-in-ontario/electoral-districts.html>

Please note your electoral district name and number, and send it to qufaed@queensu.ca by 10 December 2024. We will send the anonymized data to OCUFA to enable them to demonstrate our collective strength.

## ANNOUNCEMENT

### Fall General Meeting

The QUFA Fall General Meeting will be held on

**Wednesday 18 December 2024**  
**1.00 p.m. – 3.00 p.m.**  
**via Zoom.**

Please RSVP to Elizabeth Polnicky (ep43@queensu.ca) to receive the Zoom link.

In accordance with the QUFA Constitution, you will receive an official notice of the meeting two weeks before the meeting, and an agenda package one week before.

interfund transfer out of operating to retire \$30 million in debt related to the Queen's Centre. This transfer increased the reported operating budget deficit, but this context was not mentioned in public discussions of the budget held by the university.

Based on QUFA's questions at Senate, the administration eventually clarified that the Queen's Centre interfund transfer was driven by an "internal accounting decision" with "no impact on the cash available to support the university's academic mission." As the administration further described, the "large [2023] deficit was partially driven by a \$30M transfer to the capital fund to pay for the remaining portion of the internal loan for the Queen's Centre Construction costs. Excluding this capital fund transfer, the operating fund deficit would still have been a sizable \$20 million."<sup>6</sup>

As such, the FBRC is seeking more details on the use of interfund transfers, why they have increased in recent years, and how this is impacting the operating budget. This is important as these transfers make a difference in not only how the university's finances are presented to the university community, but also in

the level of pressure placed to make cuts within the operating budget.

#### Capital reserves

As noted above, investment income from the PIF has consistently been transferred to the capital reserves. Because of this, last year these reserves grew from \$164 million to \$212 million. When asked about the potential to use these funds to mitigate budgetary pressures and create a longer runway for action to address the deficit, the administration stated last year that this was not feasible because the "majority of the university's capital reserves are committed for specific purposes."<sup>7</sup>

This is no longer the case, as the university now reports that \$111 million of the \$212 million in capital reserves is not allocated to a specific project. More recently then, the university has argued that these reserves are needed to support capital expansion, specifically highlighting its previous purchase of the high school at 235 Frontenac Street (currently being used for storage<sup>8</sup>).<sup>9</sup> The FBRC will be monitoring these plans closely, as the administration has previously

signalled other planned capital expansions during budget town-halls. Such large-scale capital expenditures are a concern, as capital expansion can lead to long-term financial problems, as Queen's own history with the Queen's Centre and York University's current experience with its Markham Campus both illustrate.<sup>10</sup> This is especially the case in situations like the current moment, when budgets are already under pressure and a new project failing to meet projections (either in building costs or expected revenues associated with expansion) can result in an escalating crisis.

Given this, we also wonder if there might be alternative uses of these funds that could lower the pressure on the operating budget and better aid the university's academic mission. For example, turning unallocated capital reserves into a deferred maintenance fund would pay for the current transfers out of operating for this purpose for close to ten years. Creating this fund would both help pay for the needed maintenance of existing facilities and allow for the university to mitigate cuts that, in the long run, are hurting the university's long-term prospects by negatively



## ANNOUNCEMENT

### Long-Term Disability Insurance and Retirement

Many QUFA Members accepted the Voluntary Retirement Incentive and elected to retire on 31 May 2025. Beginning with your December paycheque, you should note that you are no longer charged for Long-Term Disability (LTD) insurance, which is completely employee-paid.

You can only qualify for LTD support after you have been off on short-term disability (Sick Leave) for six months. As 1 December 2024 begins the six-month countdown to retirement, you should no longer be charged for a benefit you could not take advantage of. Please note that you would also stop paying when you reach the age of 64 years and 6 months, because if you were on Sick Leave for the last six months of your 65th year to qualify for LTD, you would qualify for the pension at the same time as LTD, and insurers will not pay LTD if you are eligible to take a pension.

Please check your December pay stub and contact HR if your pay reflects an LTD deduction. QUFA has no access to payroll or personnel information, so your first stop should be HR if you think there is an issue.

impacting the quality of teaching and research, as well as the reputation of the university with students, international research partners, and donors. The resulting room in the operating budget could be allocated to the newly created Deficit Mitigation Fund as a means of addressing operating budget pressures across all faculties and schools by reducing transfers from faculties that currently pay into the fund and by providing capital for redistribution to faculties currently still addressing their deficits.

#### Notes

<sup>1</sup>[https://www.queensu.ca/financialservices/sites/finswww/files/uploaded\\_files/Publications/Statements/Queen's%20University%20at%20Kingston%202024%20-%20SIGNED%20\(002\).pdf](https://www.queensu.ca/financialservices/sites/finswww/files/uploaded_files/Publications/Statements/Queen's%20University%20at%20Kingston%202024%20-%20SIGNED%20(002).pdf)

<sup>2</sup><https://queensuniversity.civicweb.net/document/254509>

<sup>3</sup><https://qufa.ca/wp-content/uploads/2024/01/115-QUFA-Voices-Jan-2024.pdf>

<sup>4</sup><https://qcaa.ca/2024/05/16/a-critical-read-providing-context-for->

[the-universitys-budget-announcement/](https://queensuniversity.civicweb.net/document/254509)

<sup>5</sup><https://queensuniversity.civicweb.net/document/254509>

<sup>6</sup><https://www.queensu.ca/financialservices/publications/detailed-financial-faqs>

<sup>7</sup><https://www.queensu.ca/financialservices/publications/detailed-financial-faqs>

<sup>8</sup><https://www.queensjournal.ca/queens-owned-kcvi-in-limbo-as-storage-facility/>

<sup>9</sup><https://queensuniversity.civicweb.net/document/254509>

<sup>10</sup>[https://www.thestar.com/politics/provincial/york-university-must-address-rising-debt-and-low-program-enrolment-audit-finds/article\\_aec17a80-9447-11ee-917c-4f259d438ec0.html](https://www.thestar.com/politics/provincial/york-university-must-address-rising-debt-and-low-program-enrolment-audit-finds/article_aec17a80-9447-11ee-917c-4f259d438ec0.html)

***The Finance-Budget Review Committee can be reached at [qufa@queensu.ca](mailto:qufa@queensu.ca).***

## TEACHING

### The Case for Small Graduate Courses

QUFA Executive Director Leslie Jermyn, President Mary C. (Cella) Olmstead, and Vice President Karen Rudie weigh in on Queen's Administration's idea to run courses with minimum student enrolments

Queen's employees have had to roll with a lot of punches in the last year as cost-saving decisions ricochet through their working lives. Upper management has been tasked with finding savings everywhere possible—well, except for money set aside for external consultants such as Nous (\$288,000 so far), but that is a story for another day—including in respect of the core purposes of a university: teaching and research. QUFA just closed a survey on declining supports for research, which we'll report on soon. As to teaching, one of the main cost-saving ideas has been to set a minimum number of students per course to gain efficiencies in the cost of teaching.

#### No Such Thing as “Voluntary” Labour

**By Leslie Jermyn  
Executive Director, QUFA**

The magic minimum number for undergraduate courses is ten students, and the rule is slated to be implemented next academic year (2025-2026). For graduate courses, the number is set at five students, and rumour has it that management has suggested that any grad courses with fewer than five students should be taught on a voluntary basis. I hope that is just a rumour with no basis in fact because it is a bad idea as we're exploring across a number of articles in this issue of *QUFA Voices*.

As the Executive Director of the union representing non-student instructors, you will not be surprised to hear that we would oppose the notion of

volunteer teaching because, in the context of an employment relationship, there is and can be no “voluntary” work. The fundamental relationship between Queen’s University and those who teach Queen’s courses is that of employer and employee. As dedicated as many faculty are to their teaching, research, and service, they perform those duties for a wage, and are protected by employment and labour law and their Collective Agreement (CA) in so doing. There is no article in the CA on “Voluntary Duties,” because they don’t exist.

Very pragmatically speaking, if someone teaches as a volunteer, are they covered by the same legislation and protections as workers? Can they be disciplined for their actions as volunteers? If they were injured while volunteering, who would bear the liability in the absence of coverage by the employer’s medical and sick leave benefits? Asking employees to “volunteer” their labour is not a workable solution to any problem.

The other articles below explore further reasons why an arbitrary class-size minimum for graduate courses is not a very good idea. If grad courses with fewer than five students are necessary for graduate education at Queen’s, then Queen’s will pay for the work of teaching them, or we will pursue the usual means of conflict resolution.

***Leslie Jermyn can be reached at [qufaed@queensu.ca](mailto:qufaed@queensu.ca).***

### **Work Assignments and Enrolments Don’t Align**

**By Mary C. (Cella) Olmstead  
President, QUFA**

What are the administrative logistics of asking instructors to teach graduate courses under five “for free”? Workload assignments are done in May, but graduate course enrolment occurs in the fall. It is often

## **ANNOUNCEMENT**

### **Changes to Course Stipends at Smith School of Business**

On 17 October 2024, Dean Costen of the Smith School of Business (SSB) announced changes to Term Adjunct and Overload compensation that will be implemented starting 1 July 2025. The stipend for a 0.5 credit course will be reduced from \$20,189 to \$13,252, a reduction of approximately 35%. The main question Members have raised about this plan is whether it is permitted under the current Collective Agreement (CA).

Yes, it is permissible because SSB was paying over the required minima in the CA. An employer can reduce the amount of any additional benefit they are paying at their whim. The Dean gave affected members eight months’ advance notice, which also mitigates any claims of unfairness, and she is prepared to honour existing overload credits at the higher amount. Please see the Grievance Corner in this issue of *QUFA Voices* (p. 10) for a more thorough explanation.

Article 42.4 lays out stipends for Term Adjuncts and tenured faculty teaching overload. The highest amount, for a course with over 200 students and an instructor with 12 or more years of experience, is \$13,252 for 2024-2025, which will be the new base stipend for SSB in 2025. One thing to note is that we will soon negotiate a new CA, which could raise that number (highest base stipend) for 2025-2026. If someone were paid less than what they were owed at SSB because this announced flat rate were less than the new highest stipend that the person deserved (teaching 200 or more students, with 12 or more years of seniority), we would have a case for a grievance.

difficult to estimate class sizes of graduate courses, with many of them hovering around this five-student minimum. If an instructor is assigned a graduate course that then falls below the threshold, are they expected to pick up another course in addition to the one that they teach for free? If so, would the Head be required to issue new workload assignments for that year? If instructors did not pick up another course at the last minute, will they be required to carry forward a “teaching deficit”? Who would decide when this obligation is to be “cashed in,” and under what circumstances?

The critical question is whether instructors will have the option to refuse to teach a course for which they do not receive credit. Perhaps the administration is assuming that faculty commitment to graduate training will pressure individuals into providing these courses as voluntary

labour. I, however, suspect our junior colleagues understand that the best way we can support their future careers is to ensure that the contributions of workers in our sector are valued, respected, and compensated accordingly.

***Mary C. (Cella) Olmstead can be reached at [olmstead@queensu.ca](mailto:olmstead@queensu.ca).***

### **The Pyramid of Learning and Expertise**

**By Karen Rudie  
Vice President, QUFA**

The standard in scholarly training is a pyramid of expertise mirrored by the numbers in each cohort. Taking my department as an example, we might expect large undergraduate classes in introductory control systems, then medium-sized classes in a graduate course on robust control theory, then very small numbers in a graduate

## QUFA PEOPLE

### Congratulations, Jordan and Ayca!



Mary C. (Cella) Olmstead

Jordan Morelli received the KDLC Labour Council Union Activist of the Year Award at this year's Oliver Doyle Activist Awards Banquet.

QUFA was well represented at the Kingston and District Labour Council (KDLC) Oliver Doyle Activist Awards Banquet on 1 November 2024.

Former QUFA President and current Chief Negotiator Jordan Morelli received the Labour Council Union Activist of the Year Award. The award recognizes a KDLC member who has shown commitment and dedication in helping union members through such things as grievance procedures; participating in union campaigns around local, provincial, or national union issues; negotiating and bargaining collective agreements; increasing the awareness of the importance of unions; and involvement in political action to improve the working conditions for all. Jordan has been an active member of the KDLC for over a decade and is a strong advocate for our unionized colleagues at Queen's through his involvement with Unity Council.

Our Equity Representative, Ayca Tomac, received the Rising Star Activist Award, given to a young worker who is active in their local union, has a good understanding of the labour movement and social justice issues, and is a rising star for union leadership succession.

Congratulations to both Jordan and Ayca!

course on robust control theory applied to aerospace. This is as it should be: surely, we don't plan on producing twenty robust control theorists each year who will specialize in the same sub-area of the field? At the same time, we definitely don't want aerospace engineers designing the planes that we will fly in to have no idea how to use robust control theory. The sweet spot will vary from

field to field, but in some cases it will mean a class with fewer than five students.

Scholarly enquiry proceeds in the same way: the pyramid can be inverted to a drill-down image. We aim as a university to teach tens of thousands of undergraduate students; we do not aim to produce tens of thousands of Master's or PhD

## ANNOUNCEMENT

### Childcare Support Plan Deadline

The Childcare Support Plan deadline is **1 February 2025**. Please see Appendix M of the CA and download the application form here:

<https://queensu.ca/sharepoint.com/sites/HR-employees/SitePages/Childcare-Support-Plan.aspx>

students or aerospace engineers, and we most definitely do not aim to hire tens of thousands of professors in any one area of research. Our job is to provide the broad scaffolding of undergraduate education, then the in-depth, complex, sophisticated, area-specific education that comes from graduate work, and finally to produce the scholar who has the expertise necessary to become a professor. Queen's cannot do its job if we use a one-size-fits-all approach to education and mandate that graduate courses with fewer than five students will not be offered.

Were we to stop offering small graduate courses—even very small ones—then we resign ourselves to offering only core or popular courses. If we were to offer only the most popular “basics” in a field to our students, we would limit what our students could choose to learn. There would be no opportunity to explore emerging areas of research or to dig deeply into a small niche within a discipline or produce radically new ideas or create new fields—which is exactly what we want to train our graduate scholars to do. These niche explorations are specific to each institution and are part of what distinguishes one university from another.

***Karen Rudie can be reached at [karen.rudie@queensu.ca](mailto:karen.rudie@queensu.ca).***

FYI

## Intellectual Property at Queen's

### The Case for Faculty IP Ownership

**Michael Greenspan**  
Department of Electrical and  
Computer Engineering

*This is the second of a three-part series on Intellectual Property at Queen's University. The first part can be found in the October 2024 issue of QUFA Voices.*

In the final episode of our Campus Conversations Podcast, I had a discussion with Leslie Jermyn and Jordan Morelli that focused on the reasons that IP ownership (i.e. the "Academic Exception") is essential to our roles as faculty members. The following summarizes a sample of the points that we covered.

**Research integrity:** Whatever one's field of research, if the resulting IP were owned by a third party (i.e. the administration), then that third party would necessarily have an interest in the outcome of the research. The difference between having an interest in and wanting to influence research is a difference without a distinction. Even if the research were not directly impacted, the impartiality and motivation of administration-owned research would still be justifiably questionable, and so the integrity of the research enterprise would ultimately erode. Put another way, the university can't reasonably claim Chicago Principle-style institutional neutrality if it owns the IP flowing from research.

**Control of research outcomes:** Currently, we faculty own and therefore have full control over where our research results appear and are applied. We can license our research results to whomever we'd like, or put them into the public domain if that makes the most sense. This not only impacts how the research is

promoted and disseminated, but can also have an impact on future research directions and opportunities. If our IP were owned by the administration, however, these decisions would at the very least be not entirely ours alone to make, and at times would be not ours to make at all.

**Quality:** We spend evenings and weekends putting our hearts and souls into making our courses the highest quality possible. We do this primarily out of a sense of professionalism and pride, but we're also implicitly motivated by the knowledge that the course material we develop is ours. If, however, our course IP were owned by the administration, then it would be possible for our course to be reassigned and our material distributed to someone else. This, after all, is the main point of administration IP ownership, and it's not purely hypothetical: it even happens occasionally under the current system of faculty IP ownership (albeit controversially). If this practice became commonplace, then it's likely that we would be less motivated to put our unique individual stamp on our courses, and quality would eventually decline.

**Practicality:** How would the administration curate ownership of our course material? The material stored on onQ would be the easy part, but what about the various other papers, scribbles, sticky-notes to self, and myriad other loosely organized snippets of data that feed into the delivery of each and every course? In practice, the administration would need to implement a parallel library system just to maintain a snapshot of the IP contained in current courses, much less understand it well enough to continue its useful evolution into future course offerings.

**Best in Class:** Universities like to peacock at being the best at

### QUFA VOICES Voice Your Views!

If you have an opinion about anything you read in *QUFA Voices*, send us a letter to the editor!

[mayr@queensu.ca](mailto:mayr@queensu.ca)

something, whether it's winning the Vanier Cup, ranking high in the UN Sustainable Development Goals, or just about anything else. One thing where Queen's is actually best in class is our Collective Agreement's treatment of the Academic Exception, through the faculty IP-ownership policy (Article 16). Most universities in Canada have some form of faculty IP ownership, although these typically include exceptions and carve-outs. At Queen's, however, we've maintained an extremely pure expression of the Academic Exception, quite possibly the most pristine in Canada. When it comes to faculty IP ownership rights, we're the best!

**Academic Freedom:** Ultimately, any limits to our IP-ownership would limit our academic freedom. In addition to the specific scenarios described above, it's very easy to conjure up examples where IP ownership is an essential element of academic freedom. Basically, if we have the freedom to generate IP, but not to own it, then our freedom is necessarily limited.

For the full discussion, check out season 1, episode 11 of the Campus Conversation Podcast (available on Spotify and on the QUFA Web site). My final instalment to this series in the next issue of *QUFA Voices* will explore the reasons why university administrators might want to own your IP.

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## OCUFA Awards of Distinction

The OCUFA Awards of Distinction 2023-2024 took place this past November at the Westin Harbour Castle in Toronto. QUFA Executive Director Leslie Jermyn was the recipient of the Lorimer Collective Bargaining Award, which recognizes outstanding contributions to improving the terms and conditions of employment of Ontario university faculty through bargaining. Leslie was joined by Vice President Karen Rudie and Past President Kayll Lake to celebrate her achievement. Congratulations, Leslie!

***Clockwise from top right:*** Awards programme; Kayll Lake; all award winners; Leslie Jermyn and Karen Rudie; Leslie Jermyn with OCUFA President Nigmendra Narain. Photos courtesy Jennifer Rowsom.



## GRIEVANCE CORNER

# “Unwelcome” Does Not Always Mean “Unreasonable”

Untangling gratuitous benefits and management rights following the Smith School’s upcoming changes to course stipends

By Karen Sisson  
Grievance Officer, QUFA

QUFA has received numerous enquiries from Members in response to information shared in an e-mail from Dean Costen to the Smith School of Business (SSB) faculty on 17 October 2024. That e-mail advised of the Administration’s decision to deviate from prior practices respecting the allocation of Teaching and Academic Assistant hours (beginning 1 January 2025) and the stipend amounts that will be paid to Term Adjuncts and “overload teaching” at that faculty (beginning 1 July 2025, the day following the expiry of the current Collective Agreement (CA)). The Dean’s e-mail advises that the Administration will end its practice of paying stipends that are above the amounts payable pursuant to the CA. That historical practice was reportedly in place for many years, but it was not the product of additional negotiations between QUFA and the Administration. There has not been any suggestion that the SSB intends to pay less than the minimum stipend amounts promised in Article 42.4 of the current CA.

While it is plain to see why the announcement would trigger enquiries among affected faculty, the applicable limitations surrounding QUFA’s capacity to formally challenge the changes via a grievance may not be as plain. In an effort to provide some clarity on the matter, I have opted to focus today’s Grievance Corner on information about gratuitous benefits and the bargaining agent’s capacity to insist that such

benefits be continued when the employer has provided notice of an intention to end the practice.

*Gratuitous benefits* refer to benefits provided by an employer that are not being provided pursuant to a CA right. Such benefits can take many forms, including small things such as extra snacks in the lunchroom and parking privileges, or more substantial benefits such as holiday bonuses or—as is the case here—electing to pay above the minimum stipend rates indicated in the CA. Depending on the form of benefit and the specific facts of any given scenario, there may be implications to the CA when the employer opts to change a gratuitous practice; this is especially so when the bargaining agent relied on a representation by the employer that the benefit would continue throughout the life of the CA. In such situations, it may be possible to seek an order compelling the employer to continue the practice for at least the life of the current CA, based on applying the doctrine of *estoppel*.

In very simple terms, the doctrine of estoppel is a legal principle that is intended to act as a shield against another party taking action that is contrary to a prior promise or representation relied on by the party claiming that estoppel applies. One reason estoppel may apply to an employer’s choice to end a gratuitous benefit is because a bargaining agent would suffer the loss of an opportunity to have negotiated for the benefit if it was not made aware that a gratuitous benefit would not continue for the life of the CA. Such facts could arguably demonstrate the requisite “detrimental reliance” that is required to prove an estoppel claim. In the case of the changes to stipends at the SSB, the employer has wisely opted to provide notice of the change ahead of the next round of bargaining and has also delayed implementation of the change until after the expiry of the current CA. The notice about the stipend change has also been

provided in advance of any SSB faculty committing themselves to teach in an overload capacity or as a term adjunct. Because of that timing, there are limited grounds to claim that there has been any detrimental reliance or representation that the SSB practice of paying higher stipends would continue indefinitely.

When it comes to the changes respecting the allocation of Teaching Assistant hours, there are no terms in the CA that guarantee the allocation of Teaching Assistants. In the absence of a related CA provision, the decision to change the allocation is unlikely to be seen as inconsistent with the CA and more likely falls within the ambit of the reasonable exercise of management rights pursuant to Article 8. The explanation for this change is grounded in an assessment of budgetary constraints, suggesting the decision is not being made in bad faith or absent a legitimate business rationale. Some faculty have advised that they would not have accepted work next term had they been advised ahead of time that they would not receive the expected allotment of Teaching Assistant hours. I have suggested to those Members that they seek an opportunity to access the “exception process” referenced in the 17 October 2024 e-mail. If there are continued concerns after accessing that process, Members are invited to reach out to me to schedule a consultation.

While there are fact scenarios that could reasonably ground a grievance response upon the withdrawal of a gratuitous or ex gratia benefit, those factors do not appear to be present in this circumstance based on the information available to QUFA. Notwithstanding the absence of a grievance response, faculty retain their right to decline to teach at SSB if they believe the compensation or other supports are inadequate.

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