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PRESIDENT'S VOICE

What Is Laurentian University To Us?

Laurentian is not Queen's, but provincial government underfunding affects us all

By Elizabeth Hanson
President, QUFA

On 1 February 2021, the Canadian universities sector was rocked by the announcement that the president of Laurentian University, Robert Haché, had applied to the Ontario Superior Court for Companies' Creditors Arrangement Act (CCAA) protection, which permits restructuring of debts and other obligations to forestall bankruptcy.

Queen's is not Laurentian. We are an old and distinguished research university with an international reputation; they are small, regional, and a mere fifty years old. Our applications are up by 14% from this time last year. Some smaller universities are struggling because of demographic and pandemic-driven problems, but we are survivors in the struggle they are losing.

Nevertheless, I think it behoves us all to pay close attention to what is happening at Laurentian because it could alter the ecosystem in which all Ontario universities function. The most likely way this would occur is

QUFA IMAGES

Parental Status and Career Outcomes



supplied

Professor Jana Raver of the Smith School of Business will deliver a virtual public lecture entitled "Parental Status and Career Outcomes" on Thursday 25 March 2021 from 2.30 p.m. to 4.00 p.m. via Zoom. Please RSVP to Elizabeth Polnicky (ep43@queensu.ca) for Zoom details. Please see the poster on p.8 for more information.

with respect to collective bargaining, and for this reason I am ceding most of the President's Voice real estate in this month's issue of *QUFA Voices* to Leslie Jermyn, who has analysed the application for CCAA protection and its implications for labour relations in the University sector. I urge you to read what she has written carefully. Also look (critically) at the Blog posts

that PSE consultant Alex Usher has written on this topic.¹

There are many, many factors driving Laurentian's predicament. Press commentary points to gross financial mismanagement by the university administration, including the mixing of restricted and unrestricted funds without offsetting reserves (i.e., they spent faculty research grant money

on operating). It's not clear this mismanagement has caused the crisis, but it shows the Board and administration behaved badly when confronting structural problems. The filing blames faculty salary costs and an intransigent faculty association resistant to program restructuring. It's hard to assess the claim about salaries because all comparative salary data I have seen fails to consider factors such as discipline-based differences. Laurentian has Engineering and other science programs up to the doctoral level in fields related to its location in Northern Ontario. It also has a Faculty of Health with regionally focused programs.² Nipissing University, in contrast, is primarily a liberal arts college with a teacher training program. Unsurprisingly, Nipissing's mean faculty salaries are lower than Laurentian's.

Another cost driver is Laurentian's regionally appropriate bilingual mandate, which requires some duplication of programs. The university kept tuition low to serve Northern students; that tuition was then reduced further by Ford's 10% cut. Usher chides Laurentian for not plugging financial gaps with international students' rich tuition. In fact, in 2018, Laurentian lost 130 Saudi students as a result of the diplomatic row that year, and these students were degree-finishers because Saudi Arabia had already removed Laurentian from the list of Canadian universities where its students could study, suggesting the perils of this strategy.

While there may be many factors to blame, however, it is hard to escape the single deep structural fact that Laurentian delivers programs that are valuable but also expensive, precisely because it is regional and remote, and it hasn't been able to cover the costs of those programs from the revenues available to it from tuition and provincial funding. OCUFA rightly points the finger at the Ontario government's underfunding of postsecondary education across the province.

But there is a danger in pointing out that truth, which is the same one that has led to our 1:29 faculty-student ratio at Queen's. It's hard to believe that this government would increase operating grants (especially to a shoddily run show like Laurentian) without attaching conditions like the right to appoint the Board. To be caught between the CCAA on one hand and a Board appointed by the Ford government on the other is indeed to be between a rock and a hard place. Queen's might be buffered from such direct intervention by its Royal Charter, but I am sure there are workarounds. It is more likely, though, that the power to break or diminish unions through the CCAA process—or the threat thereof—will hasten alignment of programs with employer demands delivered by fewer well-paid full-responsibility faculty and more adjuncts.

Rather than just demanding more money, then, we need to demand a conversation about what Laurentian is

ANNOUNCEMENT
QUFA Spring General Meeting

The QUFA Spring General Meeting will take place at the following date and time:

Thursday 15 April 2021
1.00 p.m. – 3.00 p.m.
via Zoom

Please join us! RSVP to Elizabeth Polnick (ep43@queensu.ca) by 13 April 2021 for Zoom details.

More information can be found on the QUFA Web site:

<https://www.qufa.ca/event/qufa-spring-general-meeting-3/>

for and where it fits in the ecosystem that we share. Good answers might lead to some restructuring and hence faculty pain, but I don't think the question can be asked in the CCAA, nor can valid answers be implemented without real collective bargaining, and without increased operating grants from the province.

Notes

¹<https://www.higheredstrategy.com/laurentian-blues-1/#comments>

²<https://www.laurentian.ca/graduate-programs/>

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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.

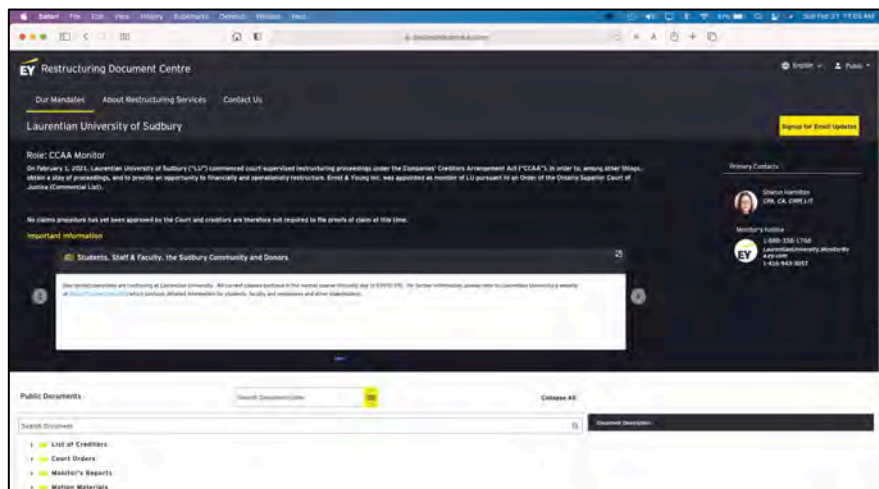
EXECUTIVE DIRECTOR'S VOICE Laurentian University and the CCAA Process

What's going on at Laurentian University, and how will the coming months unfold at the institution?

By Leslie Jermyn
Executive Director, QUFA

On 1 February 2021, Laurentian University (LU) President Robert Haché made application to the Ontario Superior Court for Companies' Creditors Arrangement Act (CCAA) protection which, if granted, gives the applicant a period of debtor protection to restructure its operations and renegotiate its debts. CCAA overrides other legislative obligations like those outlined in the Pension Benefits Act (PBA) and the Ontario Labour Relations Act (LRA). Analysis of the documents submitted by LU makes clear that the primary goal of LU's application is to override the normal steps and requirements of collective bargaining with its faculty association, the Laurentian University Faculty Association (LUFA), which was underway when LU submitted this application, and to ignore existing rights and obligations in the LU-LUFA Collective Agreement (CA).

The court has approved making accounting firm Ernst and Young the Monitor (manager of claims against the applicant) of the proceedings, and has appointed Justice Sean Dunphy as a Mediator to work with LU and their "stakeholders" (including the Laurentian University Faculty Association (LUFA) and the three small universities with which LU is federated) to reach a deal to ensure LU's long-term financial security. CCAA proceedings unfold rapidly, normally over thirty days, but LU has asked for an extension to 30 April 2021 to create a "Plan of Arrangement" outlining how to move forwards.



ey.com

Interested readers can access Laurentian's Application Record filed with the Superior Court of Justice via the Ernst and Young Web site:
<https://documentcentre.ey.com/#/detail-engmt?eid=459>

The Province appointed former Queen's Provost Alan Harrison as adviser to the Ministry of Colleges and Universities.

Companies' Creditors Arrangement Act Process and Powers¹

The CCAA is federal legislation that was created in 1933 in response to the Great Depression of the 1930s. It is a process that allows an insolvent corporation to attempt to restructure (or liquidate) outside the more stringent regulations of the Bankruptcy and Insolvency Act. It was designed to permit creditors, employees, and companies to seek compromise solutions to avoid liquidation, and the destruction of jobs and stock value.

The requirements to file for CCAA proceedings are that there is a corporate entity and that debts owed exceed \$5 million. Application is made to the Commercial List of the Ontario Superior Court. If the application is accepted, the court makes an Initial Order and "stays" proceedings. This means that ongoing proceedings against the corporation are stayed (halted) and that new proceedings cannot be initiated during the stay. The goal of the process is to arrive at

a Plan of Arrangement between the corporation and its stakeholders that will allow the corporation to continue to operate, and will reorganize the corporation's debt obligations. For the Plan to be accepted, a majority of creditors (who have proven their claims) representing two-thirds of the value of outstanding debt have to approve it. Then, the Plan must be sanctioned by the Court as legal, reasonable, and fair. The normal stay period is thirty days, but it can be extended by the court.

For employees, the CCAA offers little solace. Under CCAA, companies can terminate employees and can force renegotiation of collective agreements. CCAA-protected corporations must continue to pay employees for their work performed during the stay period (and to pay pension, benefits, etc.), but wages or severance for past work and going-concern pension payments become unsecured claims that take their place with all other debts, and as such can be renegotiated. The courts have found in favour of CCAA authority to override the PBA with respect to employer pension obligations, and it is usually understood to stay labour relations proceedings unless specific permission is given to permit

proceedings; Labour Relations Boards have tended to defer to the stay order.

CCAA Application by Laurentian University

LU has asked for a number of considerations from the Court in two stages: the Initial Order and an Amended and Restated Order to follow the Comeback Hearing (when stakeholders can ask for relief from the Court).

Some of the terms LU requested include:

- Suspension of going-concern special payments to the pension plan;
- Suspension of LU's obligation to respond to FIPPA requests during the stay;
- Appointment of a mediator to handle negotiations with key stakeholders;
- Approval of a Debtor-In-Possession (DIP) loan of \$25 million with a charge over LU's property in favour of the DIP Lender.

Please see the full application on the Ernst and Young Web site, linked in footnote 1.

Since 2014-2015, LU has had operational deficits in the millions each year, and projects a further deficit of \$5.6 million in 2020-2021. LU argues that without the stay of proceedings and the court-appointed mediator, they will not be able to accomplish the necessary restructuring before they run out of money.

The document naming Justice Sean Dunphy as Mediator (5 February 2021) makes perfectly clear what LU and the Court expect this process to accomplish. Justice Dunphy is to assist in mediating the following:

- Restructuring academic programs;
- Restructuring of the faculty [sic] to deliver the restructured programs;
- Negotiating a new CA with LUFA;
- Resolution of outstanding grievances (90 from LUFA, 2 from the Staff Union);
- Restructuring the Federated Universities Model;
- Creating a framework for future operations.

The mediator is given free rein to adopt whatever processes and timelines he deems necessary to get the job done.

It is clear that the key advantage to LU of adopting the CCAA path is to be able to sidestep labour relations, collective agreement, and collegial governance requirements in restructuring academic programming and staffing. Given that the CCAA can stay labour proceedings, LUFA will not have access to an Ontario Labour Relations Board (OLRB) conciliator or to the ability to strike. Grievances are now subject to a non-OLRB-appointed mediator's interventions, which will no doubt result in a loss of nuance in coming to resolutions. Grievances can't now move to arbitration, as that would constitute a new "proceeding" against the applicant, and all proceedings are stayed by Court order. Finally, the CCAA option allows LU to ignore the financial exigency article in the LU-LUFA CA, which outlines a formal process for changes to faculty complement and requires severance for terminated faculty. In moving all of this to the side, the CCAA option effectively deals all the aces to the Employer's hand.

The process also allows LU to ignore its commitments to the other three federated universities (Sudbury, Huntington, Thorneloe) to arrive at agreements through consensus, and they are likely to demand that these other institutions make difficult

decisions, such as cutting their own administrative staff or paying a higher servicing fee to LU.

There are likely to be many legal challenges as this process unfolds: the Canadian Association of University Teachers (CAUT) has agreed to support LUFA's legal defence, and the Ontario Confederation of University Faculty Association (OCUFA) has engaged their own legal counsel to represent sectoral interests.² We all have something at stake here if a university can so effectively sidestep negotiated agreements and collegial governance structures on the grounds of financial distress while the government funder stands by to allow the process to unfold.

Notes

¹The technical aspects of this section are drawn from the government Web site:

<https://www.ic.gc.ca/eic/site/bsf-osb.nsf/eng/br02284.html>. The explanation of intersection with LRA and PBA is a précis of "CCAA: The Ultimate Restructure" by Janice Payne and Chris Rootham of Nelligan, O'Brien, Payne LLP. The full text is here:

<https://www.nelliganlaw.ca/publications/e/38879CCAA%20The%20Ultimate%20Restructure%20-%20J%20Payne%20-%20202009.pdf>.

Laurentian's details are drawn from its Application Record filed with the Superior Court of Justice (Commercial List), the full text of which is available here:

<https://documentcentre.ey.com/#/detail-engmt?eid=459>.

²See here for an article that outlines the most recent events:

<https://www.midnorthmonitor.com/news/local-news/this-proceeding-is-about-whether-laurentian-university-can-be-saved>.

Leslie Jermyn can be reached at jermynl@queensu.ca.

FYI

Get Involved with QUFA!

Serving on a QUFA committee is an excellent way to get involved, and it counts as service on your annual or biannual report

**By Leslie Jermyn
Executive Director, QUFA**

Nominations for QUFA committees, including some positions on the Executive Committee, are open now until the Spring General Meeting on 15 April 2021, when elections and acclamations are finalized. Working with your union is a great way to get to know like-minded people from the broader university. If you've thought you might want to get involved but aren't sure what that means or how to proceed, please read on.

A large part of what QUFA does is to negotiate and then enact the Collective Agreement (CA), which is a contract between QUFA Members and Queen's University. Much of our committee work serves purposes related to that core function:

- **QUFA Council of Unit or Faculty Representatives:** This body meets monthly to talk about concerns arising across the campus that impact Members' work. Representatives are selected or confirmed by the sending unit or faculty. Please see the QUFA Web site for a list of Representatives and for current council vacancies.¹
- **QUFA Grievance Committee:** This committee considers and deliberates on situations of potential breach of Member rights, and strategizes with the Grievance Chair and Grievance Officer on best responses.
- **Joint Committee to Administer the Agreement (JCA):** As the name suggests, this is a joint

ANNOUNCEMENT Tuition Support Plan Benefits Deadline

The deadline to submit an application is

28 February 2021

More information can be found on the Human Resources Web site:

<http://www.queensu.ca/humanresources/total-compensation/employee-benefits/tuition-support-plan>

committee with Queen's that meets to discuss the application of the CA and any temporary or long-term changes that need to be made to ensure good employment and governance practices.

As well, QUFA endeavours to stay in touch with Members and to bring them information that bears on their working and professional lives. The Political Action and Communications Committee (PACC) plans Member outreach events and communications. This Committee also considers broader campus, city, and provincial political contexts for QUFA's work.

There are also ad-hoc groups that work to understand aspects of University life (Pension, Budget) or help prepare to bargain the next CA. A full list of QUFA, Joint Queen's-QUFA and external committees can be found on the QUFA Web site.

Finally, the Executive Committee, with advice and approval of Council when needed, manages the Association between general member meetings. Roughly half the Executive positions come up for election each year. This cycle, the following positions are up for election or appointment:

ANNOUNCEMENT QUFA RTP COVID-19 Deferral Workshop

The deadline to request an RTP deferral owing to the effects of the COVID-19 pandemic is:

15 April 2021

QUFA encourages all tenure-track Members to attend an RTP COVID-19 Deferral Workshop to discuss how the process works and what it means:

**Tuesday 2 March 2021
2.30 p.m. – 4.00 p.m.
via Zoom**

Please RSVP to Elizabeth Polnick (ep43@queensu.ca) by 1 March 2021 for Zoom details.

- One Member at Large,
- Term Adjunct Representative (who must be a Term Adjunct),
- PACC Chair,
- Chair of the Council of Representatives (elected by Council Representatives),
- Vice-President,
- President, and
- Past-President (is appointed).

A selection of the many projects QUFA volunteers worked on this past year includes:

- Negotiating variances from the CA required by pandemic conditions;
- Designing and launching the Voluntary Phased Retirement Program;
- Building new governance structures for the University Pension Plan;
- Contributing to important decisions taken by our provincial association, the Ontario Confederation of University Faculty Associations (OCUFA);

- Advocating for better postsecondary policy with the local MPP;
- Working with other campus unions to activate Joint Health and Safety Committees;
- Creating recommendations on how to improve student accommodations practices;
- Implementing the new Queen's Survey of the Student Experience of Teaching (QSSET).

Defending and improving working conditions for QUFA Members is varied and valuable service, and service to QUFA is considered service to Queen's. It can be counted in annual performance reports. More intensive QUFA positions, such as committee chairs and presidents, also come with release time from teaching.

People who get involved with QUFA tend to stay involved because they enjoy working cooperatively with colleagues from across the campus, they learn a lot about the university sector and about Queen's, and because they get satisfaction from making positive change in people's working lives. If any of the committees listed above are of interest to you, if you'd like to run for election to the Executive Committee, or if you'd just like to talk to a colleague about what to expect or what kind of involvement might suit you, please contact any member of this year's Nominations Committee with your questions or to set up a chat:

- **Kayll Lake** (Physics), Past President, Chair of Nominations: familiar with Executive, Council, Grievance Committee, PACC (lakek@queensu.ca)
- **Laeque Daneshmend** (Mining), Member at Large on Executive: familiar with Executive Committee (laeque.

daneshmend@queensu.ca)

- **Mary Olmstead** (Psychology), Psychology Council Representative: familiar with Council (olmstead@queensu.ca)
- **Thomas Rotter** (Nursing), Nursing Council Representative: familiar with Council (thomas.rotter@queensu.ca)
- **Diane Beauchemin** (Chemistry), Former President and Equity Representative: familiar with Executive, Council, Grievance Committee, JCAA, PACC, Budget Committee (diane.beauchemin@queensu.ca)
- **Geoff Pond** (Business), Nominations Committee: New Council Representative and Nominations Committee member (geoffrey.pond@queensu.ca)
- **Lynne Hanson** (Law), Equity Representative, Former President: familiar with Executive, Council, and the three main committees named above (lh2@queensu.ca)
- **Leslie Jermyn**, Executive Director: familiar with all committees and working groups (jermynl@queensu.ca)

Notes

¹Please see the accordion tabs on this page for a list of committees: <https://www.qufa.ca/about/contacts-and-organization/>. Please see here for terms of reference for all standing and some ad hoc committees: <https://qufa.ca/wp-content/uploads/2019/10/QUFA-Committee-Terms-of-Reference-October-2019.pdf>.

Leslie Jermyn can be reached at jermynl@queensu.ca.

ON THE WEB

Access QUFA Online

QUFA Members can interact online with QUFA in many different ways!

QUFA's online resources contain a wealth of information about your faculty association, including upcoming events, information about the collective agreement, news items of interest, and more!

1. QUFA Web Site



www.qufa.ca

2. QUFA on Facebook



www.facebook.com/qufapage

3. QUFA on Twitter



www.twitter.com/qufatweet

GRIEVANCE CORNER RTP Deferral Workshop

QUFA is hosting a workshop on renewal and tenure deferral on 2 March 2021

By **Peggy Smith**
Grievance Officer, QUFA

For the past year, COVID-19 has shaped and defined both our work and personal lives. The move to remote teaching and the constantly changing public-health directives and restrictions have presented challenges to all faculty. The concurrent closure of daycare centres and schools placed an additional burden on faculty with caregiving responsibilities, posing a real threat to the mental health and well-being of those Members. Concerns have also been raised about the impact of the pandemic on the ability of Members to meet the research, teaching, and service criteria necessary to ensure success in future personnel processes.

These issues were both anticipated, raised, and addressed by QUFA early in the pandemic. An expedited process was negotiated to address requests for family status accommodation in a timely and effective way. Additional teaching and technical supports were made available to all Members. Evaluations of teaching performance by students in Winter 2020 were suspended, and faculty were assured that no Member would be penalized or prejudiced in future personnel processes for the absence of any student data. Other considerations were negotiated with a view towards ensuring flexibility and consideration of the impact of COVID-19 in any future personnel processes, to ensure that no Member would be penalized with respect to factors outside of their control. The full text of the COVID-19 LOU, signed May 2020, can be accessed online.¹

Know Your Rights: Deferral to Tenure

As the pandemic continues, the real costs on the emotional and professional well-being of faculty are slowly presenting themselves. As we look ahead with hope to a return to stability in 2021-2022, I encourage you to make an honest assessment of your own health and what impact COVID-19 has had on your teaching, research, and/or service obligations.

QUFA has negotiated options to mitigate some of the impact of COVID-19 for pre-tenure faculty. In particular, pre-tenure Members may ask for a one-year deferral owing to the impact of the pandemic on their work. The deadline for submitting a request is 15 April 2021, and QUFA is holding a workshop on this topic on 2 March 2021 (please contact Elizabeth Polnicky (ep43@queensu.ca) for Zoom details).

It is important to know that if you don't exercise the option to defer, QUFA will not be able to make submissions on your behalf on the impact of COVID-19 as a mitigating factor later on, should your application for renewal or tenure be denied. For more information, I encourage you to attend the workshop.

Grievance Update: Report on Merit Workshop Grievance

This is important information for all Heads who attended the Merit Workshops on 13-14 January 2021.

Following the Merit Workshops held on 13-14 January 2021, the Association filed a grievance, alleging that some of the guidance provided to Heads was in violation of the Collective Agreement (CA). The parties met on 16 January 2021 and were able to resolve the matter with the assistance of an appointed mediator. Please note the following key points:

- A voluntary workshop was held on 19 February 2021. The purpose of the workshop was to provide clear communication about the Merit process and the role of Heads;
- if you could not attend the 19 February 2021 meeting, you will receive an e-mail from Vice-Dean Gordon Smith reminding you of the relevant provisions of the CA to be applied in the process.

New Information for Members Being Assessed for Merit Award

The parties have agreed to the following new step in the assessment process:

If the Dean of the Faculty of Arts and Science adjusts a member's merit score in any of teaching, research, and service, the Faculty of Arts and Science will record such changes in the member's Official File, and it will instruct the unit Head to inform the member of the change and the rationale for the change. If the Member elects, they may write a response to the changed scores, which will be appended to the signed appraisal form for inclusion in the Official File.

Please note that the right to comment is optional, and that the comments do not constitute a right of appeal, but rather a right for you to put your comments on the record for future reference if needed.

As always, please feel free to contact me with any questions or comments.

Notes

¹<https://www.qufa.ca/wp-content/uploads/2020/08/COVID-LOU-with-Schedules-A-D.pdf>

Peggy Smith can be reached at smithpe@queensu.ca.



Virtual Public Lecture

Parental Status and Career Outcomes

with

Dr Jana Raver

E. Marie Shantz Professor of Organizational Behaviour
Smith School of Business, Queen's University



Everyone Welcome

This lecture will provide participants with an overview of current research evidence on how becoming a parent influences one's work experiences and career outcomes, focusing particularly on the gendered nature of this process. Unique challenges faced by parents during the COVID-19 pandemic will also be discussed. Participants will come to a deeper understanding of the complexities of encouraging equality of the sexes at work in the face of persistent societal stereotypes of mothers and fathers.

Topics to be covered include:

- Evidence on the “motherhood penalty” and the “fatherhood bonus”
- Unique difficulties faced by mothers, including navigating “mom shame” versus “career shame”
 - Unique difficulties faced by fathers, including “flexibility stigma”
- Parental leave policies and some of their unintended negative effects

Dr Raver specializes in developing and sharing knowledge that helps organizations to build highly effective teams, overcome adversity, and minimize harmful interpersonal behaviours.

A question-and-answer session will follow the lecture

Thursday 25 March 2021

2.30 p.m. – 4.00 p.m.

via Zoom

Please RSVP to Elizabeth Polnick (ep43@queensu.ca) for Zoom details