



Constitutional Amendments Some History, an Update, and FAQ

by Charles Draimin & Shelley Reuter

Background

Some of you may remember that the issue of constitutional change was discussed at a Council Meeting nearly two years ago, when the problem of how to support other unions on campus came up as CUSSU was preparing to take job action. Some of you may also remember that our hands were tied in terms of our ability to support them legally and substantively. So when the issue was raised at Council last fall, it was decided that we needed to revisit our Constitution because we did not want to find ourselves in that position again in the future. A subcommittee of the Executive was immediately struck and we have been actively working to improve our Constitution ever since.

In the meantime, contract negotiations have continued. Up until this past spring, talks moved along slowly, but amicably. We have happily been able to report that non-monetary articles are essentially complete. Unfortunately, we have not been able to say the same for the monetary articles. If you've been following our series of bulletins on salary negotiations (see *Negotiation Bulletins* at <http://cufa.net>), you'll already know that the Administration has offered us a minimum of 1.5% the first year and a paltry 1% each year thereafter. Such an insulting offer will only

put Concordia faculty even further behind our colleagues elsewhere who do the exact same job as us (often with less teaching responsibilities), and who were being paid on average over 11% more than we are paid even before these negotiations started. What's more, the Administration is proposing an appallingly low increase that not only could not hope to bring us in line with our colleagues at other institutions but also would not keep up with the cost of living, putting us further and further behind in the immediate, but more importantly, *very very much* behind when it comes to our pension years. This is wholly unacceptable.

For this reason we, the CUFA Executive, decided it was time to step up our work on the constitutional amendments, viewing the proposed changes, particularly those relating to strike or other forms of job action, as most crucially in need of a makeover to bring our regulations into line not only with other faculty associations and the Quebec Labour Code, but also to give us a means of pushing back against the Administration's ridiculous monetary offer.

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Without the ability to take any kind of job action, the Administration has little motivation to bring these negotiations to a quick and successful conclusion. And ironically, it is only the possibility of job action that will make the Administration act differently at the bargaining table, making it *more* likely that we can avoid a full-blown strike.

Our intentions to present a set of proposed changes were announced at the General Meeting in April, 2008. We have since made a point of informing Council and Council members, who hopefully have been reporting back to their departments. In particular we made a public presentation about these proposed changes at a Special Council Meeting held this past June. This meeting was very well-attended by both Council and regular members of CUFA.

Feedback

At the Special Council Meeting in June and in the written documentation that we posted shortly thereafter (<http://cufa.net/#amendments>), we requested feedback from the membership on these proposed changes with a deadline of August 15, 2008. The next step – this is where we are now – was to revise the proposed changes in light of members' comments, bring these for approval to the Executive (August 28 and September 8) and then to Council (September 22). The bulk of this report is devoted to answering the most frequently asked questions that came up over the course of soliciting this feedback from you, the membership.

- 1. Why would we want to reduce the voting threshold from 60% of the membership to 60% of votes cast? Don't we want to be able to say we have a "strong" strike mandate? This is particularly worrisome as you are proposing a quorum of only 100 at the General Meeting called to consider**

the strike vote and so a mandate could be pushed through by a mere 6% of the membership.

The spectre of sixty people forcing the entire membership onto the picket line came up a great deal. The logical response – and we asked it – is how likely is it that exactly 100 people of whom only 60 were in favour of a strike, would show up at a General Meeting? Why would the other 900-odd ignore such an important vote, particularly if they were opposed?

There is a more principled response, however, which asks us to consider the basic issue: should we retain the "super-majority" requirement for a strike vote? When we think about this, the current requirement that a majority of members (as opposed to votes cast) to approve a strike vote is a very strange provision. We almost never see it – not for government elections, not for referendums, not even for normal constitutional changes. We have to ask how members can take as *normal* a rule that counts abstentions as a "No." Even our tenure procedure allows people to properly abstain by leaving the tenure meeting or not attending at all. We cannot think of very many situations where voter apathy is encouraged as it is by our Constitution. People *should* have the choice to abstain properly, however they should know that an abstention means that only those who do vote will decide the issue.

All this is inherent to the democratic process. That is to say, when people do not exercise their right to vote, they cede decision making to others who do. If the majority does not exercise its right to vote, then a minority will inherit the power to make decisions that affect the polity as a whole. Vigorous and comprehensive involvement in the democratic process is to everyone's benefit but to

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ask a union to cede the capacity for action because some members cannot be bothered to exercise their franchise does not seem reasonable. We would argue that one of the reasons for the apathy that has existed for some time amongst CUFA members has arisen out of the limited latitude for action that we as a union have been able to exercise – and sadly we have enshrined this in our Constitution. Perhaps if the vote begins to count more in terms of impact, more people will vote. Our job is to ensure that everyone has the opportunity to vote, something we take exceedingly seriously.

With that said, some members may be concerned about attending a General Meeting where there are many strike supporters. They may feel that they will be intimidated – it has no doubt happened in some unions. To avoid this, we propose to take the decision out of the General Meeting. If a strike vote is authorized by Council, there will be a General Meeting with teleconferencing to the other campus, or, alternatively, two meetings, one on each campus. (In the event of a lockout by the Employer, such meetings will be held off campus.) Regardless, this will be essentially an information and discussion meeting; if any vote is taken it will not determine the issue of the strike. Rather, the strike vote will be taken following these meetings. There will be at least one ballot box on each campus, and Council will define a provision for distance voting for those who would be away from Montreal at the time of a vote. In addition to paper ballot box voting, then, telephone, electronic voting, or a combination of these methods will be used and between two and five days will be given for the submission of ballots, also at the discretion of Council. In short, voting will continue to take place by secret ballot and no member will be disenfranchised.

To conclude, we note that the requirements of the Quebec Labour Code are very clear and very simple: – to authorize a strike a union needs a majority of those voting in a secret ballot with at least 48 hours notice given:

20.2 [Vote to strike by secret ballot] No strike may be declared unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

[Notification of a vote] The association shall take the measures necessary, having regard to the circumstances, to inform its members, at least 48 hours in advance, that the ballot is to be held.

We are setting the bar higher – a threshold of 60% of those voting.

2. Why are we looking to do away with ballots and require people to vote at a General Meeting? Won't this all but ensure that many people won't vote out of the sheer inconvenience of it?

A few people expressed their concern about getting rid of mail ballots for strike votes, arguing that if we took this away then many people who would otherwise have voted won't bother. In the answer to the previous question, we have proposed a balloting system that is preferable to mail-in ballots. In the rest of this response, we outline the problems with mail-in ballots and give an example of a faculty association that has changed its constitution to provide for other types of secret ballot wherever mail ballot is required.

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To begin we should point out the fact that hardly any other faculty association still uses mail ballots. The reasons for this include the fact that a mail ballot does little to increase the voting turnout; that in the extreme case of a strike vote we would want to know where we stand as soon as possible; and finally, if we were to ever find ourselves actually out on strike, once an agreement is reached, we would have to stay out on strike until both the agreement and a back-to-work protocol were ratified and signed. Mail ballots would add a minimum of ten additional days out on the picket line while we wait for the ratification ballots to come in. Surely we'd all want to get back to work as soon as possible, rather than spending an additional ten days on strike unnecessarily. Similarly, if we were locked out by the Employer, how would we – realistically speaking – conduct a mail-in vote from off campus that wouldn't also mean at least ten additional days out on the picket line while we wait for the ballots to come in?

If anyone is not convinced of the advantages of direct balloting over a short period of time, they should consider the weaknesses of a mail-in ballot. Why would we want to trust Concordia's mail service — which is designed for a very different purpose — to deliver ballots for something as important as a strike or ratification vote? Remember, you have to receive a ballot form and then ensure that it is returned to be counted. Wouldn't you want to do everything possible to ensure you get a ballot and that your ballot is counted, retaining as much control as possible over its arrival at the CUFA office? At CUFA there was recently a case of an Executive candidate's nomination form becoming lost in Concordia's mail for nearly three weeks. Luckily, the form arrived in CUFA's office in the eleventh hour – literally on the last day – and this person was able to stand

for election. But the form may well have not arrived. Who would want to take such a risk with a strike vote?

Finally, an example of a system that works might be instructive. The constitution of the University of Western Ontario Faculty Association (UWOFA) requires mail ballots for many votes. But the constitution also specifies that:

... the term 'mail ballots' will be normally understood to refer to electronic balloting. Paper mail ballots may be employed as deemed necessary by the Board of Directors [roughly equivalent to our Council]. Individual members can request for themselves a paper mail ballot.

As it happens, for reasons of security, strike votes at UWOFA are taken with conventional in-person paper ballots and a ballot box system. In one case, on November 9, 2007 a General Meeting authorized the strike vote to take place before December 1. The main vote was taken using paper ballots and ballot boxes at two different locations, one on the 21st of November and the other on the 22nd. Before that there had been three days of advance polling. The ballots were counted directly after the polls closed.

3. How and where will we hold General Meetings related to strike or other forms of job action? Inevitably some people won't be able to make it. Isn't this disenfranchising them?

It is not in CUFA's interest to disenfranchise its members. It has always been our practice to alternate regular General Meetings between both campuses from one term to the next, However, in the case of a special General Meeting to discuss strike or other forms of job action in particular, we would

effectively hold the meetings on both campuses, either separately at different times or through teleconference, to ensure that members on both campuses have access. In the event of a lockout by the Employer, such meetings would have to be held off campus. But again, as outlined above, voting by secret ballot would take place *after* a special General Meeting by ballot box or other special provisions to be determined by Council so that all members would have the opportunity to vote, even those who may be away from Montreal.

4. Aren't there other steps we can take before striking, like pressure tactics, etc.?

There are indeed many ways to put pressure on the Administration before resorting to a strike and we would most certainly want to exhaust those alternatives before actually going out on the picket line. However, most other forms of "job action" would still require what amounts, legally speaking, to a "strike vote." In other words, getting a "strike" mandate gives us the power to exert pressure legally without necessarily walking off the job. But that's the crux of the issue – we can't take job action, as serious as a strike or even just working to rule that involves work stoppage, without a strike mandate.

5. Why would we want to do this now, while we're in the throes of negotiations, rather than waiting until after we settle and we can better focus on what is being proposed?

The CUFA Executive views these constitutional amendments as a crucial dimension of its negotiating strategy, not as separate from it. Without being in a position to take job action, we may well not settle, or settle well, anytime soon. With nothing really at stake

for the Administration, what's in it for them to bring these negotiations to conclusion? Not surprisingly, long, drawn out negotiations are the norm at Concordia.

6. Why are we looking to threaten a strike already? Have negotiations really deteriorated that much?

If you've been following negotiations as they've unfolded, you'll know that our Collective Agreement expired nearly 16 months ago, on 31 May 2007. There was a provision for negotiations to start up to a year before that day. Our first formal negotiation meeting took place in early December 2006. At that first negotiating session the (then) Provost pointedly expressed his intention to see negotiations completed by July 2007. We were very happy to endorse his proposal. It is clear in retrospect that the Administration was not serious about doing their part to carry out this program from the very beginning. They were not ready with their proposals until late February 2007 and substantive negotiations did not begin until March 2007 – a three-month delay. Negotiations have been continuing for over a year and a half, with the Administration often shortening or even cancelling meetings because they needed time to prepare. Even when they do keep to the meeting schedule, they often come to the bargaining table unprepared, relying on us to do all the work.

Judging from the Administration's behaviour at the bargaining table, it is clear to us that they are not committed to timely completion of negotiations. But more pointedly, judging from how imperceptibly the Administration has moved from their initial salary offer, it is clear that something more than just talk will motivate them to negotiate our salaries with proper respect for the work we do.

What's Next?

We have been busy at work preparing a new draft proposal that responds to this feedback and that will be ready for presentation at the first CUFA Council Meeting on September 22. In accordance with the current Constitution, any constitutional amendments must be voted on at Council before they can go to the membership for a vote. If the changes are passed by Council (this requires a two-thirds majority of those voting), we will move forward to hold Information Sessions for the membership on both campuses in early October to explain and discuss the proposed changes. The vote by the membership then follows. In accordance with the current constitution, this requires a secret mail ballot distributed one month before the counting of ballots. A sixty per cent majority of the total membership, or approximately 570 votes, are required for these amendments to pass.

Comparison of Median Salaries at Concordia to Canadian Comprehensive Universities

by Ian Rakita

The most recent Statistics Canada data regarding salaries of Canadian University¹ faculty (without senior administrative duties) were obtained from CAUT in July 2008. These data are for the 2006-07 academic year. Even so, since Quebec Universities are notoriously slow in reporting, there are no Quebec data represented and we used our own data for Concordia salaries. For comparison purposes, the ten Canadian Universities in the Maclean's Magazine group were selected.

Means of medians were computed for various age categories within each rank (Assistant,

Associate and Full Professor) for the Comprehensive Group and medians were similarly calculated for Concordia rank/age combinations. Ratios of medians were calculated by comparing values for the Comprehensive Group to corresponding values for Concordia. Finally, Concordia weights were used to determine an overall weighted average of the medians for each rank. From the table on the next page, we can see that the salaries of Full Professors (Associate Professors, Assistant Professors) in the Comprehensive Group were 8.8% (12.6%, 18.2% respectively) higher than those of Full Professors (Associate Professors, Assistant Professors) at Concordia.

As a last step, an overall weighted median ratio was computed from the three rank median ratios using Concordia weights. After doing this, the bottom line (shaded in blue) shows that the median overall salary for the three ranks in the Comprehensive Universities was 13% higher than for the three ranks at Concordia.

It should be noted that when a similar exercise was carried out for 2005-06, the overall difference was 11.2% in favour of the Comprehensive Group of Universities. It is clear that in only one year, the gap between the Comprehensive Group and Concordia has widened by an additional 1.8%. This increase in the gap occurred in a year in which we received a COLA increase of 2.2%, the last COLA increase we have received. For the last two years (June 2007 and June 2008) we did not receive a COLA increase, so it would be fair to say that the median gap is approximately 20% today. Were we to accept the current offer of the Employer, this gap could be expected to grow by at least 3% a year.

¹The group is comprised of Carleton University, Memorial University, Simon Fraser University, University of Guelph, University of New Brunswick, University of Regina, University of Victoria, University of Waterloo, University of Windsor and York University. University of Regina data were unavailable in July, 2008.

Comparisons of mean/median salaries for ten comprehensive universities in 2006-2007 versus Concordia University in 2006-2007.*

Comprehensive mean/median as percentage of Concordia mean/median by age cohort within rank
 Figures in 'Total' column are means of cohort mean/medians using Concordia weights

Comprehensive median as percentage of Concordia median as reported July '08

Panel 1									
Rank: Full Professor, Maclean's Canadian Comprehensive Universities 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total **
No.	0	0	9	105	303	465	528	714	2,130
Median	N/A	N/A	N/A	110,040	111,994	112,259	118,475	123,400	118,173
10th %ile			101,832			90th %ile		138,300	
Panel 2									
Rank: Full Professor, Concordia University 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total
No.	N/A	N/A	N/A	4	12	37	63	103	219
Median	N/A	N/A	N/A	N/A	102,519	99,425	106,073	116,889	110,144
10th %ile			92,470			90th %ile		133,431	
Full Professor: Comprehensive as percentage of Concordia									
Median					109.2%	112.9%	111.7%	105.6%	108.8%
10th/90th percentile			110.1%					103.6%	
Panel 3									
Rank: Associate Professor, Maclean's Canadian Comprehensive Universities 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total **
No.	3	24	240	498	516	420	351	312	2,376
Median	N/A	N/A	90,327	93,230	94,627	99,442	103,716	112,653	98,213
10th %ile			83,229			90th %ile		118,529	
Panel 4									
Rank: Associate Professor, Concordia University 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total
No.	0	6	41	59	59	55	40	56	316
Median	N/A	74,276	75,938	84,316	87,510	86,145	89,811	102,690	87,695
10th %ile			72,614			90th %ile		108,788	
Associate Professor: Comprehensive as percentage of Concordia									
Median			118.9%	110.6%	108.1%	115.4%	115.5%	109.7%	112.6%
10th/90th percentile			114.6%					109.0%	
Panel 5									
Rank: Assistant Professor, Maclean's Canadian Comprehensive Universities 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total **
No.	33	456	648	396	216	129	69	60	2,013
Median	N/A	76,306	76,258	79,904	78,168	82,198	81,958	93,698	78,278
10th %ile			65,846			90th %ile		98,620	
Panel 6									
Rank: Assistant Professor, Concordia University 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total
No.	3	56	64	38	16	9	6	5	197
Median	N/A	64,435	65,949	68,848	64,235	64,884	66,702	69,911	65,911
10th %ile			59,208			90th %ile		86,989	
Assistant Professor: Comprehensive as percentage of Concordia									
Median		118.4%	115.6%	116.1%	121.7%	126.7%	122.9%	134.0%	118.2%
10th/90th percentile			111.2%					113.4%	
Panel 7									
Rank: Full, Associate, Assistant combined, Maclean's Comprehensive Universities 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total **
No.	18	480	888	999	1,035	1,014	948	1,086	6,519
Median	80,113	77,096	80,060	89,714	96,276	103,126	110,353	118,671	98,579
10th %ile			83,940			90th %ile		118,841	
Panel 8									
Rank: Full, Associate, Assistant combined, Concordia University 2006-2007									
Age	<30	30-34	35-39	40-44	45-49	50-54	55-59	60+	Total
No.	3	62	105	101	87	101	109	164	732
Median	N/A	66,857	73,938	77,641	87,427	91,046	99,154	112,741	89,371
10th %ile			74,947			90th %ile		110,294	
Overall median weighted by Concordia totals									
									110.3%
Overall median weighted by Concordia totals									
									113.0%

Note: comparisons have not been made where there are fewer than 5 faculty members in that cohort at Concordia.

*Comprehensive universities include: Carleton, Memorial, SFU, UGuelph, UNB, URegina, Uvic, Waterloo, Windsor, YorkU (Maclean's comprehensive category without Concordia). Comprehensive university salary data from CAUT (StatsCan survey); Concordia data reported as of July 2008. At time of analysis, University of Regina data were unavailable for 2006-2007. CAUT (StatsCan survey); Concordia data are from November 2006, all without senior administrative duties

** Number totals may not add up since data for faculty in several age ranges were not displayed but were included in rank totals.

Crying poor — the facts

by Greg Butler

Budgets at universities are, or at least have been, surreal documents. That is, the reality they portray is a very artificial one.

Income is controlled by the provincial government in the main. The government sets formulas for per student funding in programmes, the government limits tuition fees from students, the government decides how much and how to distribute funds for capital maintenance and construction. The level of funding is woefully inadequate.

Income from research grants and industry contracts is based on the efforts of individual faculty members or teams of faculty members. While there may be assistance from administrators, the research office, and alumni, the primary basis for the awarding of the grant or contract is the expertise and facilities of the faculty members. Researchers scrimp, save, and invent in order to stretch limited grant and contract funding enough to get the work done...and, of course, work long hours.

Donations are channelled to the Concordia Foundation and are not revenue for the university.

Expenses include the cost of buildings — that is, the interest on debt raised to finance the capital costs. Although universities are public institutions and governments should pay 100% of the capital costs for those essential buildings supporting offices, teaching, and research, in (sur)reality most of the capital cost is covered by donations to the university and raising long-term debt by the university.

Expenses include operating costs which include salaries for technical, office and managerial staff, regular faculty, part-timers, and administrators.

Over the last decade, the total salaries of faculty members has been declining as a percentage of the total university revenues, while the total salaries of administrators has been increasing as a percentage of the total university revenues.

Since the seventies, the real income of a faculty member has been declining; that is, when one takes inflation into account, the purchasing power of the income of a faculty member is less today than it was then.

Over the last decade, the student/faculty ratio in terms of FTE at Concordia has increased dramatically.

“A top research university will have a student/faculty ratio of about 15.0 to 17.0. Why are we falling behind?”

In general terms, the increase in the ratio is from about 20.0 to 27.0. This is the impact of larger classes and more graduate students, which in turn raises the workload of faculty members. A top research university will have a student/faculty ratio of about 15.0 to 17.0. Why are we falling behind?

Tuition and grant revenues per student are flat or falling so Concordia manages by increasing student number. To contain costs, the number of sections offered are held constant or reduced where ever possible and so class sizes increase. These are decisions of the Deans, often contrary to the wishes of faculty members and their departments.

Most Quebec universities have recognized the surreality of the funding from the provincial government and allowed their spending to be driven by the reality of the actual costs of running a university. Hence, they have regular annual budget deficits and large accumulated

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deficits. Concordia has been “responsible” in this surreal world: it pays unrealistically low salaries to staff and academics while paying realistic salaries to administrators. Faculty salaries are well below average, while salaries of senior administrators are amongst the highest across the country.

So crying poor and suggesting that everyone should tighten their belts in order to have a responsible budget is based on a surreal situation. Is it responsible to expect faculty members to continue to see their salaries decline in real terms, or to decline relative to comparable universities, or to remain well below the average salaries at comparable universities? As our negotiations dragged, the president Dr Lajeunesse defended his high salary as appropriately in line with his colleagues at Ontario universities.

It is time for our administration to be responsible and pay faculty in line with comparable universities. It is time to present the provincial government with the real costs of higher education, and ask them to be responsible!

*Stay tuned
for more
negotiation updates*

Upcoming Council Meeting

*When: Monday, September 22,
2008*

*Where: SGW Campus
Room H765-767*

Time: 9:30 am - noon

***Council meetings are
open to all members***

*The documents to be circulated at
the council meeting
can be downloaded by visiting the
CUFA web site at*

<http://www.cufa.net/#amendments>

Contacting the Executive

Charles Drainin, *President* (Accountancy, 2795) **charles.drainin@concordia.ca**

Gregory Butler, *Vice-President* (Computer Science, 3031) **gregb@cs**

Anthony Costanzo, *Secretary* (Classics, Modern Languages & Linguistics, 2306) **acostanz@alcor**

Chris Cummins, *Treasurer* (Mathematics & Statistics, 3262) **cummins@mathstat**

Christopher Gray, *Member-at-Large* (Philosophy, 2502) **graycb@alcor**

Norman Ingram, *Member-at-Large* (History, 2436) **ingram@alcor**

Shelley Reuter, *Member-at-Large* (Sociology & Anthropology, 2174) **sreuter@alcor**

The Executive can also be reached collectively by email at **cufaexec@concordia.ca**

CUFA Staff

Geneviève Robichaud, Professional & Legal Officer (3984) **robichg@alcor**

Chantal Bohbot, Executive Assistant (3999) **bohbot@alcor**

The CUFA offices are located at the Loyola Campus in Hingston Hall, HB 109.

Visit the CUFA website
at

<http://www.cufa.net>

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Editorial Board: Aaron Brauer, Christopher Gray, Norman Ingram