SFUFA Executive Committee Guide

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Introduction

The following document is intended to provide a general overview of the structure, mandate, and day to day work of the SFU Faculty Association (SFUFA). This document is used as the Association's guide for members of the Executive Committee, and is made available to all SFUFA members.

The organization has tried its best to cover the most important information for someone looking to understand what SFUFA is, how it is organized, and what it does. We welcome comments regarding oversights or clarifications. If there are any discrepancies between information provided here and the latest by-laws or policies of the Association, or any legal requirements, those shall take precedence; what is intended here is simply an overview and easy to access general guide.

Appended to this guide are various governing documents and internal policies that guide the Executive Committee in its work.

SFUFA as Organization

SFUFA was founded in 1965 as a professional organization to advocate for the interests of faculty members at SFU. Over the years it has expanded its representative role, engaging in collective bargaining and pursuing grievances for its members. It was only in 2014, however, that members organized to certify as a legal trade union, expanding SFUFA's bargaining rights and providing the Association and its members access to the protections and procedures of the *BC Labour Relations Code*.

As an organization, SFUFA must conform with a few pieces of legislation and various governing documents:

- *The Societies Act* of BC, which governs non-profit organizations and has long provided the legal framework for our *Constitution and By-Laws*
- *The BC Labour Relations Code*, which governs the legal relationship between employers and trade unions, and which lays out both the rights and responsibilities of the Association
- our own *Constitution and By-Laws*, which set out the terms that SFUFA members themselves have decided to guide the Association's governance

Constitution and By-Laws

SFUFA's Constitution, which pre-dates certification as a trade union, lays out the basic mandate of the Association as follows:

- to assert the integrity of the academic profession;
- to defend academic freedom in teaching and research;
- to promote the welfare of members and of public post-secondary education in general
- to foster high standards of excellence in teaching and scholarship
- to act as the sole bargaining agent of all faculty members employed by Simon Fraser University and to regulate relations between the faculty members and the University through collective bargaining.

The *Constitution and By-Laws* deal primarily with organizational matters: the structure of the Executive Committee, procedures for elections and general meetings, and so on.

The Association is governed by an Executive Committee of 11 people, each elected for a two year-term. The members of the Executive Committee are as follows:

President
Vice President
Director, Teaching Appts
Director, Librarian-Archivists
Director, Human Rights and Equity
Director, Community Relations
5 additional Directors

The Association does not elect a dedicated Treasurer. Each year, the Executive elects one of its number to play this role. Most commonly, but not always, the Treasurer role is assigned to the Vice President.

The *Constitution and By-Laws* are important for understanding the formal mechanisms of decision making, but do not say much about the legal responsibilities that guide SFUFA's work on a day-to-day basis. For that, the *BC Labour Relations Code* (and our *Collective Agreement*, made under terms of that Code) is the primary text.

BC Labour Relations Code – SFUFA as Trade Union

As a legal trade union, SFUFA has specific rights and responsibilities. There is no need to review the terms of the Code in depth, but the following are some of the foundational factors that members – and Executive members in particular – should be aware of.

Equality of the Parties under the law

Members of the Executive are employees of SFU, and therefore the University's senior administrators are their superiors in the employment relationship. When acting as officers of the Association, however, the relationship with the employer changes, and the Parties meet as equals. When a university President or Provost meets with you regarding your own work, they are your boss; when they meet with you as a SFUFA representative, they are not.

Sole Bargaining Status

Sole bargaining status means that the Association and only the Association can negotiate terms and conditions of employment on behalf of faculty. The University cannot negotiate for individual or groups of faculty on any matter that is or ought to be covered by the Agreement; they must only conduct negotiations with the Association as the legal representative.

Sole Carriage of Grievances

As with negotiations, it is the Association and the Association alone that can launch, advance and settle grievances. Grievances arise from a breach of the contract between the Association and the University, and only a Party to the *Agreement* can bring forward a grievance. We may grieve policy matters on behalf of the Association and/ or all members; we may grieve breaches that impact groups of faculty; we may grieve breaches that impact individual faculty members. But in all cases, it is not the faculty member(s) who take forward the case, but the Association. The rights to decide if and when a grievance is filed, how the case will be argued, and if and when to settle, withdraw or arbitrate – all of these lie with the Association and not with members. We do of course work closely with our members in pursuing their grievances, but ultimately the legal responsibility rests with the Association.

Access to Grievance Arbitration

The *Labour Relations Code* provides a range of avenues to address various disputes that may arise in the employment relationship. But a foundational principle throughout the *Code* is that there should be a mechanism to hear and definitively decide grievances or other disputes. The most common method of dispute resolution is binding arbitration, in which a third party - appointed by the Labour Board or by the Parties under the auspices of the Labour Board – hears the dispute and issues a decision which the Parties are compelled to accept, barring specific appeal procedures.

Duty of Fair Representation

As the Association is the sole bargaining agent and has sole carriage of grievances, the *Code* provides a mechanism to ensure that union members have the ability to pursue complaints if they believe their union has failed to adequately represent them. The basic standard outlined is that unions must not act in way that is discriminatory, arbitrary, or in bad faith. That is, unions may decide not to pursue cases. They may settle or withdraw cases over the objections of members, and unions may sometimes make mistakes. But in all its dealings – from bargaining to grievance arbitration – a union must not discriminate, must not make arbitrary decisions, and must always act in good faith to represent the interests of its members.

Intra-Member Conflicts

There may be occasions in which members find themselves in dispute or on different sides of a dispute. Where this is the case and representation is to be provided by SFUFA to both Parties, the Association ensures that the Parties have separate SFUFA representatives. The SFUFA representatives are expected not to share with one another information that has not been shared between the Parties, and to engage with the University or any investigator/ mediator accordingly.

Above and Beyond the Code – SFUFA as an Association

Beyond the legal mandate conferred upon us by our *Constitution and By-Laws* (governed by the *Societies Act*) and the *Labour Relations Code*, SFUFA engages in more general support and advocacy for individual members and for faculty collectively. These activities do not form part of our legal obligations, but do reflect the general interest of the Association in being the most reliable source of information, the most responsive source of advocacy and support, and a proactive builder of community and collegiality at SFU.

SFUFA staff make themselves available for general consultation from members as much as possible, even in matters beyond the scope of the Agreement. At times the Association offers support or informal advice to community members who are not members of the Association. We organize social events, consult with individuals and groups on best practices in any number of areas, help to connect members in relationships of support, cooperation or mentorship, and so much more. We at times work with other organizations on campus, and with representatives to Senate and the Board of Governors. We are an association of faculty, and as the role of faculty involves more than the simple terms of the *Agreement*, so too are we guided by faculty needs and faculty interests in setting the scope of our activities.

The Executive in Practice – Process and Authority for SFUFA Decision-Making

Considering the *Societies Act*, our own By-Laws, and the *Labour Relations Code*, as well as our general and abiding commitment to fostering collegial governance, the real practice of decision-making in the work of the Association works as follows:

> The highest authority in the Association is the General Meeting. This is the mechanism by which members direct the Association Executive, and barring any conflict with legal obligations or legal constraints, the will of the General Meeting must be put in into effect.
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> The elected Executive is charged with managing affairs between General Meetings. That is, the Executive has authority to make decisions on behalf of the Association, provided it does so in a manner consistent with any directions from General Meetings and consistent with its legal responsibilities.
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> The President is the public face of the Association, but has no more authority than any other member of the Executive, and generally will only vote at Executive meetings in the event of a tie. The President meets regularly with senior administrators, and may be asked to speak for the Association. They have the authority to do so, but only insofar as they act in accordance with directions of the Executive – they are, then, to be a voice for the collective will of the Executive rather than an independent voice. Between General Meetings, the President reports to the Executive Committee.
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> The Executive Director is a staffperson, hired by the Association to manage affairs between Executive meetings and in a manner consistent with the directions of the members and the Executive, and with a particular focus on meeting the Association's legal responsibilities and strategic decisions. They have no vote, but are obligated to advise the Association Executive in its decision-making. The Executive Director is responsible for ensuring that decisions of the General Meeting and the Executive are implemented, and for management of other staff employed by the Association. Between Executive meetings, the Executive Director reports to the President
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> The Association Executive may delegate specific responsibilities to others as it deems appropriate. Examples include the SFUFA Bargaining Team, headed by a Chief Negotiator appointed by and accountable to the Executive, and a Promotion and Tenure Advisor, appointed by and accountable to the Executive. Other advisors or committees may be established from time to time.

The Executive generally makes decisions at formal meetings. Occasionally, where an urgent matter arises, electronic votes may be taken. When a matter is submitted to electronic vote, it is passed as soon as a majority of Executive members has voted in favour.

Role and Responsibilities of the Executive Committee

An Executive Committee should understand clearly what it as a group *must* do, *may* do, and *may not* do.

The Executive must act in good faith to implement and act on decisions of General Meetings. It must defend members against violations of the *Collective Agreement* and must do so in a way that is not unreasonable, discriminatory or arbitrary, and is consistent with general law and case law. SFUFA has professional staff to manage the day-to-day affairs and provide advice, but staff can only provide advice. It is the Executive that ultimately has the authority and the responsibility for the work of the Association. Executive members must make decisions and take action not as individuals but as representatives of the membership as a whole, and must set the interests of members collectively above their individual interests, the interests of the Executive Committee, or the interests of the University.

The Executive may set priorities, establish new internal policies and protocols, expend funds and so on, provided all of those activities are consistent with its legal responsibilities and any directions established by the membership. The Executive may make recommendations to the membership at general meetings.

No member of staff or the Executive may choose to not to defend a member, take on a case, or support a grievance because they do not personally agree with the member's position or the term of the *Agreement* in question. If a violation of rights has taken place, the Association must act to defend those rights unless specific and defensible reasons exist to not to pursue a case. The Executive has delegated to staff the day-to-day responsibility for member advocacy and grievance management, so as to protect confidentiality and minimize potential conflicts of interest.

Executive members may not take action as an Executive that undermines or contradicts a decision of the members (as expressed at a General Meeting) and may not ignore a directive of the members. The Executive may not sign away or concede terms or conditions of employment without the express agreement of the members in a ratification vote.

Members of the Executive should understand the following expectations of them:

- to represent the interests not of themselves or a particular sub-section of members, but members as a whole and SFUFA as an organization;
- to attend meetings, and to come to such meetings having reviewed any material distributed in advance so as to participate fully in discussion;
- to abide by and comply with decisions taken by the General Meeting and/ or the Executive Committee;
- regarding any matter involving the Executive, to raise any concerns or questions with the Executive Committee as a group rather than with individual members privately. That is, the Executive operates by open discussion and Executive members are expected to bring issues of concern forward for open discussion;

- to proactively identify any areas of discussion or decision-making in which they may have a perceived conflict of interest, and to recuse themselves if so requested by the Executive Committee.

Beyond the above, certain offices have specific responsibilities to speak for and represent the Association, and may make binding commitments on behalf of the Association. In general, those are as follows:

> The President speaks for the Association in interactions with senior administrators and represents to the University the political decisions of the Association. The President does not normally participate in bargaining, and does not normally make legal commitments for the Association.
>
> The Chief Negotiator speaks for the Association in bargaining and bargaining-related matters, and does have the authority to legally-bind the Association in this work, subject to subsequent approval and/ or ratification by the Executive and/ or members.
>
> The Executive Director has the authority to speak for the Association and bind the Association legally in matters related to the collective agreement or grievance arbitration. In carrying out this work, the Executive Director is expected to work closely with the President and/ or Chief Negotiator and/ or other members of the Association as appropriate to the matter at hand.

None of the above is intended to restrict the academic freedom of Executive members. However, members are expected to recognize and maintain a distinction between their comments as faculty members and their comments as SFUFA representatives. While election to the Executive does not require anyone to give up their academic freedom, care must be taken to ensure that one's personal comments are not directly or indirectly presented as views of the Executive or the Association.

As noted above, members of the Executive are not actively involved in grievances or formal representation of members. These duties have been delegated to staff, who report on cases, (but without identifiable information) to the Executive monthly, and who provide greater detail on cases (potentially including names) that may be advanced to arbitration (a public process) or have legal implications for the Association as a whole. The Executive may become more directly involved in the event that a member requests an appeal of an Association decision regarding representation.

Members of the Executive Committee must be members of the bargaining unit, so if a member is appointed to any administrative position outside the unit (Associate Dean, Dean, Associate, VP or VP, for example), they must resign from the Executive and must be removed from member email lists. As there is normally a period of time between appointment to such an administrative position and one's official start-date. the Association's policy is to request that a Director step down from the Executive when appointment to an excluded position is announced, so as to avoid any real or perceived conflicts of interest.

Roles and Responsibilities of Staff

SFUFA employs professional staff to conduct its day-to-day business, see its legal obligations are met, advise the Executive, and represent members, among other things. Staff work under contracts that are negotiated at the time of hire and amended as appropriate over the course of their employment.

The Executive Director has overall responsibility for management of staff and for the day to day affairs of the Association. The Executive Director takes direction from the Executive Committee as a whole, not from individual members of the Executive or individual members of the Association. On a day to day basis, the Executive Director works with and reports to the President.

The Director, Labour Relations, plays a leadership role in member cases and grievances, and acts in place of the Executive Director when they are unavailable. They report to and take direction from the Executive Director rather than the Executive Committee or any member of the Executive.

The Labour Relations Officer is responsible for advocacy and representation of members in grievances and informal processes. They report to and take direction from the Executive Director of the Association rather than the Executive Committee or any member of the Executive.

The Office Manager is responsible for the administrative functions of the organization, including but not limited to taking minutes, booking meetings and travel, managing the cash flow of the organization, and interaction with professional contractors such as IT consultants and auditors. They report to and take direction from the Executive Director of the Association rather than the Executive Committee or any member of the Executive.

As an employer, the Association Executive is not involved directly with staff supervisor or assessment, except of the Executive Director. Where the Executive or individual members of the Executive have requests of staff, these should be submitted to the Executive Director, who is responsible for staff workloads and for ensuring that assignments are prioritized appropriately.

Staff do have access to procedures for complaints and for resolution of complaints. In those procedures, the Executive may take on a more direct role in accordance with the terms of the dispute resolution processes in place.

Compensation of Executive Members and Volunteers

As per our bylaws, members of the Executive Committee are not paid. Executive positions are to be understood as volunteer positions and do constitute service for purposes of biennial review. Certain roles may entail teaching release, as provided for the in the Collective Agreement or By-Laws, or as periodically approved by the Executive Committee, and members may be reimbursed for legitimate expenses entailed on behalf of the Association. Outside of these terms, no member of the Executive Committee will be compensated in any way for their service.

Review current teaching releases and identify if these are still the priority areas and what makes sense for next couple of years
Options for general approaches:

1) ***set positions that automatically get release; adl releases exceptional: this is current practice***
2) ***outside of those covered by the CA, have a set number (or range) of releases available each year, and assign them to positions/ people based on priorities: this would might allow better, targeted use of resources, but would require advance planning***

Current releases:
President (in CA)
Vice President
Chief Negotiator (in CA)
Director, Equity & Human Rights
Director, Community Relations
Bargaining team
Promotion and Tenure Advisor

Compensation of SFUFA Staff
The Association employs professional staff who are paid for their services. Professional staff have contracts that are to be respected at all times, but some general principles guide the Association in its relationships as an employer.

The salary of the Executive Director ought be in the range of salaries of members at the rank of Professor.

The salary of the Membership Services Officers ought to be in the range of salaries of members at the Assistant or Associate rank, based on experience at time of hire.

The salary of the Office Manager ought to be in the range of salaries of members at the Lecturer rank.

As SFUFA is a dues-based organization, staff salaries should generally correspond with the dues income of the Association, and remain in step with the member ranks associated with the staff position.

Staff will receive the same salary increases as faculty members, and will receive step increases consistent with the norms of faculty members.

Given that BC public service workers, including faculty, are subject to governmental interference in bargaining through the Public Service Employers' Council (PSEC), the Association has adopted the following exception:
Where faculty receive no increase for two years, the Executive will review staff salaries to determine an appropriate increase.
The above is intended to ensure that while we generally map staff salaries to faculty salaries and to dues, we also do not allow external wage constraints to prevent fair or reasonable recognition of Association staff.

Partner Organizations

The Faculty Association works with a number of other organizations in pursuit of its interests. We have formal affiliation with:

- the Confederation of University Faculty Associations of BC (CUFA/BC) which is a provincial organization comprised of the faculty associations of UBC, UNBC, UVic, SFUFA and Royal Roads. CUFA/BC advocates for the interests of faculty and public post-secondary education at the provincial level
- the Canadian Association of University Teachers (CAUT), which brings together unions and associations representing post-secondary instructors and researchers across Canada. CAUT provides a range of support services for its member associations, and advocates for faculty and public post-secondary education on the national level.
- Education International, which is an international network of organizations similar to the CAUT, which advocates for faculty and post-secondary education internationally. We are members by virtue of our membership in CAUT.

SFUFA works with number of other organizations through regular meetings and collaboration, though without any formal affiliation. At SFU, we join with other campus-based unions – CUPE, Poly Party, and TSSU – in an employee council which meets monthly to share information and identify areas of common interest. At times and on an ad hoc basis we also work with non-unionized professional association APSA, and with Academic Women, various student organizations and other campus community groups. Outside of SFU, we at times may work on

specific issues of common interest with the Federation of Post-Secondary Educators, which represents faculty in the colleges and teaching universities, with the BCIT Faculty and Staff Association, and with organized labour through the Vancouver and District Labour Council, the BC Federation of Labour, and the Canadian Labour Congress.

Communications

The Association communicates with members regularly, with the administration primarily but not exclusively through monthly admin-executive consults and scheduled meetings, and very rarely with the wider public. Written communications are developed by the office and are to be consistent with positions taken by the Executive.

General protocols for communication are as follows:
The Executive Director and office staff communicate general information to members as necessary, without specific approvals.
Bulletins to members regarding Association activities or positions are developed by the Executive Director and the office staff in collaboration with the President.
Bulletins related to collective bargaining are developed by the Executive Director and office staff in collaboration with the Chief Negotiator.
Communications with the public are always managed through collaboration between the President and the Executive Director. If bargaining related, the Chief Negotiator will also be involved.

SFUFA maintains a number of email lists, the largest being:

- Faculty A-Z, which reaches all members of faculty
- Sfufa-members, which reaches all faculty members who are members of the Association
- Academic-discussion, which is a non-moderated discussion forum that is voluntary, and currently reaches about one-third of members.

The Association is regularly asked to share with members information from individual members, or SFU or community offices. Our general approach to such requests is as follows:

- We will only share information that is of general community concern or interest
- We may share more targeted information if it is deemed of sufficient general interest or import
- We will generally not agree to share anything that does not meet the criteria above
- Members who ask us to share information are generally advised to use the academic-discussion forum to do so
- Where we do share information on mail-lists, we will generally use faculty a-z. The sfufa-members list is restricted to official Association business only
- The Association does not share its email lists with any external party

Budgeting and Financial Oversight

Draft budgets each year are produced by a team involving the Treasurer (a role assigned annually to a member of the Executive Committee), the Executive Director, and the Office Manager. The draft budget is then presented annually for approval by the Executive and by members at the General Meeting. There is a budget report multiple times per year at Exec, and mid-cycle to members.

Expenditures of the Association require signature by two of four approved officers – typically the Treasurer, the Executive Director, and two other Executive members are authorized as signing authorities so that we can ensure that at least two people are available for review and authorization at any time.

Each year the Association undergoes an audit by external auditors to ensure that the financial records of the Association are being maintained appropriately, with external oversight following the professionally-accredited standards in place for non-profit organizations.

Commentaries on Key Issues – collegial governance and academic freedom

Collegial governance
SFUFA is dedicated to protecting the integrity of academic work and the integrity of the collegial system of governance. In many ways, aside from our legal role as trade union, we are one of the many units that make up SFU, the primary difference being that we are self-constituted by faculty members and have a unique independence from the University's administrative bodies.

We play legal roles in the defense of our members and the *Collective Agreement*; we play political roles in working to amplify faculty voices and to advance the interests of faculty members; we play social roles, providing advice and support to individuals, and working to create spaces for faculty members to come together as colleagues and friends.

It is not the role of the Association to replace the critical systems of collegial governance - units, committees, Senate. The Association can never be a substitute for the full and robust, not to mention diverse, voice of faculty members themselves. As a general principle, when assigning representatives to various University committees, the Association seeks to put forward members expert in the area at hand. That is, while at times Association staff or Executive members may need to participate in committees with significant legal implications, wherever possible we seek to ensure that it is faculty voices rather than Faculty Association voices that are heard.

While we seek wherever possible to remain arms-length from the wheels of collegial governance, we can and must step in where the administration bypasses or constrains

the mechanisms in place to ensure that the university is governed by academic decision-making. We must be ardent defenders of meaningful collegial governance. What exactly "collegial governance" means is a complicated question, but we take our clues from a few places: general cultural understandings within the Canadian post-secondary system; BC's *Universities Act*, which governs the general operation of public universities; and our *Collective Agreement* provisions and SFU policies that touch on these themes.

In working to ensure a robust system of governance, SFUFA works with representatives to Senate and the Board of Governors to address any concerns of those representatives regarding constraints on their roles, and to ensure that such representatives have opportunities to meet together as colleagues to discuss and debate the issues that will come before them.

SFUFA's commitment to the collegial process does not mean there will not be occasions in which our interests may conflict with decisions of collegial bodies. If a Senate decision, for example, is in conflict with the terms of the Agreement or constrains the rights of faculty members, the Association may need to contest the decision, and always reserves its right to do so. But the best protection against such potential conflict is a robust collegial system in which faculty and other community members discuss matters comprehensively and transparently, and the University administration complies not only with the letter, but the spirit, of open and transparent bicameral governance.

Academic freedom

Defense of academic freedom is a cornerstone of our work as SFUFA, arising not only from our *Collective Agreement* but from our *Constitution* as well. For all its importance, however, academic freedom is often not especially well understood, even by faculty members.

We at SFUFA operate with two definitions of academic freedom: one, drawn from our *Collective Agreement*, provides the basis from which we can address violations of academic freedom at SFU through our grievance procedure; the second is the CAUT definition, which we adopt as a guide, but which is not necessarily accepted in all aspects by SFU and so is best understood as a political guideline rather than a legal one.

From our Collective Agreement:

12.1 Academic freedom is the freedom to examine, question, teach, and learn, and it involves the right to investigate, speculate, and comment without reference to prescribed doctrine, as well as the right to criticize the University, Association, and society at large.

12.2 Specifically, academic freedom ensures:

1. 12.2.1 freedom in the conduct of teaching;
2. 12.2.2 freedom in undertaking research and publishing or making public the results thereof;
3. 12.2.3 freedom from institutional censorship.

12.3 Academic staff will not be hindered or impeded in any way by the University or the Association from exercising their legal rights as citizens, nor will they suffer any penalties because of the exercise of such rights. The parties agree that they will not infringe or abridge the academic freedom of any member of the academic community.

12.4 Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research and teaching on an honest search for knowledge.

12.5 As part of their teaching activities, teachers are entitled to conduct frank discussion of potentially controversial matters which are related to their subjects. This freedom of expression will be based on mutual respect for the opinions of other members of the academic community.

12.6 Librarian and Archivist Faculty have a duty to promote and maintain intellectual freedom. They have a responsibility to protect academic freedom and are entitled to full protection of their own academic freedom and practices. For Librarians, this includes the right to express their academic judgment in the development of the Library collection and to make the collection accessible to all users in accordance with the University Library policies, even if the materials concerned are considered controversial. For Archivists, this includes the right to express their academic judgment in the acquisition and development of the Archives' holdings.

The CAUT policy statement on academic freedom:

1
The institution serves the common good of society, through searching for, and disseminating knowledge, and understanding and through fostering independent thinking and expression in academic staff and students. These ends cannot be achieved without academic freedom. All academic staff members have the right to academic freedom.

2
Academic freedom includes the right, without restriction by prescribed doctrine, to freedom to teach and discuss; freedom to carry out research and disseminate and publish the results thereof; freedom to produce and perform creative works; freedom to engage in service; freedom to express one's opinion about the institution, its administration, and the system in which one works; freedom to acquire, preserve, and provide access to documentary material in all formats;

and freedom to participate in professional and representative academic bodies. Academic freedom always entails freedom from institutional censorship.

3

Academic freedom does not require neutrality on the part of the individual. Academic freedom makes intellectual discourse, critique, and commitment possible. All academic staff members have the right to fulfil their functions without reprisal or suppression by the employer, the state, or any other source. Institutions have a positive obligation to defend the academic freedom rights of members.

4

All academic staff members have the right to freedom of thought, conscience, religion, expression, assembly, and association and the right to liberty and security of the person and freedom of movement. Academic staff members must not be hindered or impeded in exercising their civil rights as individuals, including the right to contribute to social change through free expression of opinion on matters of public interest. Academic staff members must not suffer any institutional penalties because of the exercise of such rights.

5

Academic staff members are entitled to have representatives on and to participate in collegial governing bodies in accordance with their role in the fulfilment of the institution's academic and educational mission. Academic staff members shall constitute at least a majority on committees or collegial governing bodies responsible for academic matters including but not limited to curriculum, assessment procedures and standards, appointment, tenure and promotion.

6

Academic freedom is a right of members of the academic staff, not of the institution. The employer shall not abridge academic freedom on any grounds, including claims of institutional autonomy.

Together, the definitions above frame SFUFA's work on academic freedom, the key pieces being:

1) freedom in teaching and research, including frank discussion of controversial issues
2) protection from institutional or state censorship for exercising one's rights either inside or outside the University
3) no requirement for neutrality
4) an obligation to respect the academic freedom of others
5) a positive obligation on the University to defend and protect the academic freedom of faculty members

But we should always stress one implication of a commitment to academic freedom in particular: one can only truly be said to be defending academic freedom when one acts in defense of ideas that are fundamentally at odds with one's own. That is, each of us

can assert our own academic freedom, and that is valuable and important. But it is also easy. Much harder is to recognize not just in the abstract but in practice the academic freedom rights of those whose ideas we oppose and which may in fact directly conflict with and confront our own.

There are general societal pressures on certain types of speech. When we feel these pressures and tensions in the university, they can easily appear to be academic freedom issues when they may in fact be something else. But there is no doubt that they can have an impact on academic freedom in three major ways:

- when an institution begins to be swayed by societal tensions and encroaches on academic freedom, usually but not exclusively as a way of managing political pressure
- when students, staff, or faculty members call for restrictions on speech or other modes of communication they find objectionable or offensive;
- when faculty members begin to self-censor as a means of avoiding conflict or negative responses from others

Only the first of these is properly an infringement on academic freedom; that is, only the first involves institutional suppression of certain perspectives or approaches, and only the first is something we can legally challenge. The other two may have impacts on how individuals and/ or groups in the university setting enact their own academic freedom and/ or attempt to override voices they disagree with. But these are ultimately political conflicts and/ or academic debates that morph into political conflicts - they do not involve institutional sanction.

Here it is important to be clear about the difference between protest and censorship or sanction.

Faculty members have the right to exercise academic freedom, of which free speech is a component. But those who disagree, and who call for a position to be opposed and defeated, enjoy the same right. Where it becomes an academic freedom matter is where the institution interferes on one side or other. That is, there is not a right to speak without objection or without triggering protest. There is not a right not to be criticized, even harshly, for one's views. Academic debates must be open, but political contests over ideas are also open; where academic freedom concerns arise is where the institution or the state takes steps that constrain those debates or political contests.

Defense of academic freedom does not mean one does not take sides on substantive issues. It does mean that one protects the rights of those one disagrees with from censorship or sanction by the state or the university. It does not mean we don't argue or even protest. It does mean we do not call for people to be silenced institutionally, and we work to defend anyone who is.

SFUFA is committed to defending the academic freedom of all members, and to helping to maintain the university as a space of open debate. Members who are concerned about breaches of academic freedom are encouraged to reach out to us. For us to take on cases, however, they must generally involve an act of institutional threat or sanction – conflicts with students or colleagues, harsh words, and reluctance to speak for fear of criticism: these are indeed very live matters in the university and the broader world today, but unless they include infringements by the university or the state, they may be very hard to address through the legal mechanisms at our disposal.

Strikes and Job Action

In the event of job action at SFU, the Collective Agreement, Article 10, and two policies govern how faculty might be impacted: GP 05 (which deals with strike policy in general) and A 30.05, which speaks to SFUFA members as well as some other instructional staff.

To Cross or Not to Cross:

All members have the right to honour a picket line. Librarians and Archivists, Teaching Faculty, Research Faculty, Practitioner Faculty, and Department Chairs or Directors all share the same rights in this regard. No one should be intimidated or coerced into crossing or not crossing a picket line – this decision is recognized in law as one of personal conscience, and must be respected as such. Neither may any member face any disciplinary sanction for the decision to honour a picket line. Salary may be reduced commensurate with work not performed, but no further penalty should be suffered or threatened. In the case of Department Chairs and Directors, an additional administrative role exists above and beyond the standard faculty role. Chairs/ Directors cannot be compelled to cross a picket line, but should they choose to do so such that the University deems they are unable to perform their administrative duties, an interim Chair/ Director may be appointed for the duration of the job action. For the purposes of the strike policy, Division Heads in the Library are treated as Chairs, though strike-related salary deductions for this group are calculated as they are for all Librarians (see below).

Respecting a picket line is not simply about not physically crossing it. A picket is intended to stop work from proceeding in the targeted area for the targeted time. That is to say, when respecting a picket line one should not move classes or meetings to another location or to zoom, which undermines the intent. A decision to respect a picket line is a decision to allow the impact of the job action to be felt. That said, there are exceptional situations in which one may get permission to cross a picket line from the striking union itself – for example, research that involves the care of plants or animals may require one to cross a picket even though one would prefer not to. In these cases, the member is advised to speak to a TSSU picket captain for what is called a 'picket pass', which indicates the striking union recognizes and approves the special circumstance.

Salary Deductions:

The general rule for salary deductions that result from a members' decision to respect a picket line is this: 1/10th of biweekly salary will be deducted for each day of work missed. GP 05 is clear that deduction is not based on the hours one might be in the classroom, but to the day as a whole.

The policies do not define 'duration of a strike', and so there is some flexibility as to whether salary deductions are based on the full length of job action, individually affected days or – in rare cases – hours. Typically, if strike action is intermittent and or sporadic at a particular location, the University will consider the particular days affected individually; for example, though you may indicate your intention to respect a picket line, if pickets are intermittent you will only be docked pay for those days that your classes and/ or campus duties are affected. In the event of a full-scale strike, however, the University will likely not calculate the individual days you would have been required to be on campus, but will base its payroll deductions on the period as a whole. Though not as definitive as some might hope, this nuanced application of the policy does in fact serve the interests of members by limiting the extent of salary loss in times of sporadic picketing.

In the case of members who may have more regularly-defined hours of work, there may be occasions on which pay is docked on an hourly basis. For example, where a site is picketed for a period of hours, and members choose not to work during those hours, the University will base the salary deduction on the actual hours missed. Normally this is relatively straightforward, a week being considered 35 working hours and the hours missed deducted from that. In rare instances where a job action impacts a non-working period such a lunch hour, however, still more adjustments may be necessary. In these cases, we would expect the University to consult with SFUFA regarding what is appropriate.

CAUT Defense Fund:

As members of the CAUT's Defense Fund, which is a national fund to provide financial support to member Associations in the event of a strike, SFUFA members may be eligible for financial support in the event of wage loss due to honouring a picket line. That is, though we are not on strike, faculty whose pay is docked as a result of refusal to cross a picket line are still eligible for benefits.

The Daily Benefit for honouring a picket line is $96 per day. This is slightly less than the benefit paid where an association is itself on strike, and is not intended to replace your salary but to help alleviate financial hardship.

The Benefit is only paid on and after the 4th day of job loss. There is no support available for the first three days one is affected.

In the event that SFUFA itself takes job action, the Defense Fund provides strike pay for members at a slightly higher rate, currently $96 per day. The total benefit is provided to the Association, which then is responsible for distributing it to members in accordance with any Association policy.

SFUFA Guiding Policy Documents:

Constitution and By-Laws
Executive Election Policy
Teaching Release Policy
Donations Policy
Representation Policy
Member Appeals Policy