



Active Voice (Reactivated)

A paper and online publication of the York University Faculty Association

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YUFA Wins Resounding Victory for Academic Freedom at York: Resolution of David Noble Case — Penni Stewart, Chief Steward



After seventeen days of arbitration, stretched over three years, YUFA has won a resounding victory for academic freedom at York. On 19 November 2004, the York University Administration, jointly with Hillel at York and SPHR (Solidarity for Palestinian Human Rights), issued a media release denouncing a flyer handed out after an SPHR film event the night before. That flyer, entitled *The York University Foundation: The Tail that Wags the Dog (Suggestions for Further Research)*, was authored by YUFA member Professor David Noble.

The media release, posted on York's Website and also provided to major media sources, gave rise to YUFA's grievance, which alleged that the Administration had violated Articles 3 (non-discrimination), 10.01 (academic freedom) and 11 (professional responsibilities) of the Collective Agreement. YUFA argued that the media release was libelous and that it infringed Professor Noble's freedom to, paraphrasing the words of Article 10 of our Agreement – speak, examine, question, teach, and learn and his freedom to pursue without interference or reprisal his research, creative and professional activities and to criticize the University.

In filing a grievance, YUFA sought several remedies, chief among them a declaration that the Administration had violated the Collective Agreement by publishing the media release, as well as by joining with student groups to craft the statements set out in the media release. We also requested an apology and damages. It was our contention that, in publishing and distributing the media release, the York Administration failed in its obligation under our Collective Agreement to protect and promote academic freedom.

The Arbitrator, Russell Goodfellow, agreed; in his conclusion, he writes,

"...York breached Article 10.01 of the Collective Agreement by failing to respect Professor Noble's rights as an academic. Indeed, it may be said that York failed to extend Professor Noble even the most basic of courtesies that might reasonably be expected to be enjoyed by a faculty member. The University publicly vilified his work without first contacting him or YUFA to advise of its concerns, to investigate the matter, or to indicate what it was contemplating. Had it done so, it is at least possible that much, if not all, of what ensued could have been avoided."

(cont'd.)

(Resounding Victory, cont'd.)

Arbitrator Goodfellow did not accept all of YUFA's arguments and remedies. In the end, he:

1. declared that the Administration breached Article 10.01 of the Collective Agreement;
2. ordered the Administration to remove the Media Release from its Website; and,
3. ordered the Administration to pay damages to Professor Noble in the amount of \$2,500.00.

This grievance speaks to an important principle and cherished value in academic life. It is absolutely inappropriate for the Administration to use the weight of the institution against one of its own faculty members because she or he offends the political sensibilities of its executives. The Administration's reaction went far beyond the reasoned response, to which it was entitled. Instead it acted in haste, made no effort to clarify issues with Professor Noble, impugned the motives of our colleague, and used its considerable public relations resources to make its views known. In the process, the Administration demonstrated a striking, worrying misunderstanding about the purpose of the University.

Summer and Fall Strike Support Activities with CAUT Defense Fund Team

Bishop's University, July 2007

Members of the CAUT Defense Fund Strike Support Teams have been out several times this summer and fall in support of university faculty / librarians and in the case of Bishop's University, staff on strike. Bishop's is the first Canadian university to include staff in the same bargaining unit. Bishop's also earned the dubious honour of being the first Canadian university to have its full-time faculty and librarians locked out while not on strike. Bishop's settled just before Defense Fund Team was flying out for a third visit, but the settlement was not a happy one and many things remain unresolved for this small but stalwart university 2 1/2 hours east of Montreal. In this picture, Larry Hale, President of CAUT Defense Fund, presents Ginny Stroehler, President of Bishop's University's Union (APBU) with the usual cheque for \$1 Million to ensure that no striking union ever has to go back due to lack of funds. On its first visit to a striking university, the Defense Fund Team brings, with full press coverage, this large cheque. They brought one to York in 1997.



Acadia University, October 2007

The CAUT Defense Fund Team also went to Acadia University in Nova Scotia where beautiful fall leaves and classic Maritime warm hospitality almost tended to obscure the dreadful facts of life at Acadia. Although the school ranks first or near first in almost all surveys and students pay the highest tuition in Canada, faculty are paid next to lowest in the Maritimes, which pays on average lower than the rest of Canada. As we go to press, Acadia enters its third week of the strike and the Defense Fund Team plans a third visit. Letters of support are always welcome and may be sent to darcy.benoit@gmail.com.

Health & Safety Issues are at Top of the List of Members' Concerns

YUFA members are increasingly concerned about Health & Safety issues on campus, including unsafe and poorly lit parking garages and building corridors, and excessive noise and dust from poorly supervised construction sites.

We encourage you to send your concerns to Active Voice (Reactivated) at lripley@yorku.ca with a copy to York's new President, mshoukri@yorku.ca. YUFA's team on the Health & Safety Committee has been working hard to get these issues addressed, but it is helpful to hear from members with specific problems. Patrice Gelinias and Barry Loughton are undertaking the massive task of the Health & Safety inspection of the campus – our thanks to both of them for taking on this important task.

Members Speak Up on Health & Safety:

– Jamie Scott

It is only a matter of time until students or faculty or staff are shot and killed on campus. Toronto seems not to have learned the lessons so dearly purchased in American cities with gang problems near university campuses. When I was a graduate student at the University of Chicago in the 1980s, the university ran its own fully armed police force, with full powers of arrest and detainment on and around the campus, in addition to the city's force. In effect, the campus and surrounding ten square blocks or so were doubly policed. Crime existed, but was kept at a minimum compared with areas of the city outside this cordon, especially violent crime. York University should seek a similar special order of government for a similar university police force, or at a minimum, fully armed security with increased training and powers of detainment. I probably sound like a right-wing "law and order" fanatic, which is not my intent, but something needs to be done. It is the Administration's responsibility to do whatever is necessary to safeguard the community – students, staff and faculty. I hope we do not only resort to the fortress mentality. I also recall that at Chicago, huge efforts and a great deal on money and time were spent on community outreach and involvement, too.

Jamie S. Scott PhD
Director, Graduate Programme in Interdisciplinary
Studies
Professor, Division of Humanities
Graduate Programmes in English, Geography,
Humanities and Interdisciplinary Studies
York University

– Sarah Parsons

I am really pleased that YUFA has taken this broad set of concerns as a serious issue. Another concern is with the refusal of the University Administration and / or the city to install a safe crossing across Pond Road to Atkinson Road (I think this used to be the western arm of Fine Arts Road.) We have asked frequently and heard nothing. This is surely not the only unsafe crossing on campus but it is a real problem as hundreds of commuters play "Frogger" each day to get from Fine Arts, TEL, and other buildings to their cars. This is especially baffling since the Administration installed a number of disabled parking spaces across from Fine Arts Road in Sentinel Road East lot but provided no means for those drivers to safely get to their buildings.

Sincerely,

Sarah Parsons
Associate Professor, Art History
Department of Visual Arts
York University

Editor's Note: A year or two ago, the Administration turned over ownership / responsibility for Pond Road to the city, so it is now a city responsibility. The questions now are what obligations the Employer has and what input they may have retained (if any) in this turn-over.

Have Your Say: Respond to these letters (and any articles) for the spring edition of *Active Voice (Reactivated)*. Send submissions to: lripley@yorku.ca.

How Big is Too Big? How Active is Our Voice? – Sterling Beckwith, Professor Emeritus

In late June, a few days before leaving office, Lorna Marsden sent out a form letter, with biographical sketch attached, introducing the man who was about to succeed her as President of York University. Many faculty and former faculty would have received the same letter. Am I the only one who wonders why it was sent just then, and what it was meant to convey? Surely not that its recipients actually had, or were ever meant to have, any significant voice in choosing this new leader.

Only days later, I saw in one of the Toronto newspapers an interview with the new President, Dr. Shoukri, in which he announced that under his leadership, York would move as soon as possible to add a full-fledged Faculty of Medicine. Many faculty and former faculty would have seen this interview. Am I the only one who found it surprising that such a major decision – fraught with huge implications for the future shape of the whole University and heavily affecting the resources available for the continued operation of its other academic programs – could have been taken so early, and by someone newly arrived from outside the institution, to whom the duties of Chief Administrative Officer had only just been entrusted?

Rather than debate whether the GTA does or does not need another medical school (nice to have, but pretty expensive to build!), I would ask instead: To what extent are York's faculty members still involved in the process of arriving at such decisions? What has happened, over the last ten years, to the sense of community, the concern for students' welfare, and the culture of good citizenship that engaged the energies and cemented the loyalties of an earlier generation of York professors? Are their successors now learning to consider themselves mere employees, with duties restricted mainly to the classroom and no role in determining the overall direction or the priorities of the institution they serve?



Such a weakening of faculty involvement might seem reassuring to some members of the Board of Governors, who may prefer to think of York as just another old-style business corporation that ought to be tightly run from the top down. Yet it is hard to imagine how the professional conscience of the professoriate, with its pride in self-governance and preference for more participatory styles, could ever be totally extinguished. Although today's faculty is unlikely to react as dramatically as Harvard's recently did, York's old activist spirit also seems overdue for refocusing and renewal.

The arrival of a new Administration should remind us all that a good university is more than a collection of self-contained academic fiefdoms, however handsomely housed or lavishly funded; the elusive goal of building a true community of scholars needs constant attention too. With luck, and only a little encouragement, more and more of York's citizens may heed the ancient injunction to "Question Authority" and find ways to let their voices be heard, as this new era of hope and change for the University begins.

Sterling Beckwith, Ph.D., Professor Emeritus and Senior Scholar
Music (Fine Arts) and Humanities (Arts)

Active Voice (Reactivated)

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The next issue will be published in the Spring. Please send submissions to lripley@yorku.ca.

We would like a YUFA member on the Board, not currently involved in another YUFA activity. If interested, email lripley@yorku.ca with a statement of interest.

Unless expressly stated to the contrary, views expressed in this publication are those of the writers and do not necessarily reflect the views or policies of YUFA.