

Academic Freedom on the Table

Daniel Paul O'Donnell

Professor of English University of Lethbridge. ULFA Vice President and Chief Negotiator

Moderated by Lee Easton, MRFA President.

ULFA Vice President and Chief Spokesperson for Bargaining Daniel Paul O'Donnell spoke to the membership on March 5, 2021 about ULFA's experience with a fairly aggressive opening position from the U of L's board of governors.

O'Donnell began by describing what he described as a long-standing ideological commitment to "management rights" on the part of successive generations of senior administrators at the U of L, arguing that this dates back to a presidential resignation in the 1980s. Because U of L administrators serve particularly lengthy terms, this resignation was only two presidents and two provosts ago. And, since Provosts at the U of L are normally recruited internally, he believes that a "fear of losing control" has been passed down from mentor to mentee ever since: there are currently no faculty members on the U of L's budget committee for example (the only stakeholder group without representation on that committee) and even faculties are required to petition to the senior administration for positions. While a recent shakeup has resulted in new blood entering the administration, this shakeup has not, thus far, resulted in a change of direction away from centralisation and management control -- though much of the Board's current bargaining position predates the recent shakeup.

O'Donnell went on to discuss how the U of L Board's opening position in the current round of bargaining reflects this management-rights agenda. This included language asserting such management rights explicitly, language restricting the union's ability to represent members in meetings with senior administration, and a proposal for a new constraint to academic freedom, subjecting it to the operational needs of the Board (O'Donnell stressed that these were opening positions and so represented the maximal position of the board, rather than evidence of what it was willing to settle for).

In the case of this last proposal in particular, O'Donnell argued that its origins lie in a controversial definition of Academic Freedom by Universities Canada that subjected academic freedom to institutional requirements:

“Academic freedom is constrained by the professional standards of the relevant discipline and the responsibility of the institution to organize its academic mission. The insistence on professional standards speaks to the rigor of the enquiry and not to its outcome”.

As he pointed out, however, the U of L's opening proposal went much farther: where the University's Canada definition treats academic freedom as being at the *intersection of* disciplinary standards and institutional requirements -- that is to say requiring a balancing of the two forces -- the U of L's definition subordinates even disciplinary standards to the Board's ability to ensure it can "get things done": in the U of L's definition, for example, there is nothing to stop the Board from restricting Academic Freedom in order to prevent "reputational harm" to the institution in the event a Member took a controversial or unpopular position on a topic of public interest.

O'Donnell concluded by discussing some of the other aspects of the Board's recent activities and how they relate to this overarching policy of centralisation and enforcing management rights.

Question and Answer:

Q: Academic Freedom gives individual faculty members rights to academic freedom. In particular, faculty members have the right to design and carry out research, to publish the results of their research, to teach, to criticize the University and the Faculty Association, and the right of freedom from institutional censorship. What additional language in the MRFA's CA can improve the academic freedom of our members?

A: The important thing to keep in mind is that the best language in the world does not help if there is no enforcement. There are few universities that have bad language on academic freedom but there are some universities that may not be good at protecting academic freedom.

Q: How to protect the academic freedom of individuals despite differences of opinion?

A: There used to be a clause in the UofL CA about disputes between members, but this was removed from the CA because maintaining a safe workplace is a management obligation and it is not the responsibility of the association to police its own members.

Q: Governance and GFC's role in academic decision making – is this UofL considering incorporating governance structures in the CA?

A: Yes, this is one of our mandate items, but there has not been much progress over the years.

Q: How does Freedom of Expression interact with Academic Freedom: how do these concepts overlap/intersect?

A: These are different things though people sometimes do not see it. Freedom of Expression is a charter right and charter rights can be constrained: there can be restrictions to free speech. Academic freedom is a protection for academics: it is the mechanism by which freedom of speech is protected in a university environment and the big difference is that there is a responsibility to rigour in respect to academic freedom. To ensure that members to win academic freedom cases. you need to have adequate rigour in the process. Disciplinary standards need to be weighed against freedom.