



CAUT Investigations

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Examples

- Report of the Ad Hoc Investigatory Committee to examine the allegations of improper conduct within the Faculty of Arts at Laurentian University (2016)
- Report of the Ad Hoc Investigatory Committee into the Faculty of Architecture at the University of Manitoba (2015)

Examples

- Report on the allegations concerning working conditions at the Ontario Veterinary College, University of Guelph (2013)
- Report on the matter of the tenure applications of Dr. James Kepron at Brandon University (2001)

What's CAUT's Authority?

- None
- CAUT has:
 - No standing on campus
 - No power to compel witnesses or documents
- The University has:
 - No obligation to participate in an inquiry
 - No obligation to act on recommendations

Kepron v. BUFA, 2004

- “The CAUT report is not a binding legal document and any "findings" or "recommendations" contained therein reflect CAUT's own view

Laurentian University and LUFA, 2017

- LUFA filed four grievances on behalf of Dr. Michael Persinger. CAUT made application for intervenor status with the right to full participation (calling evidence, cross-examining witnesses and making submissions) in regard to issues of academic freedom
- The request was denied

It's about Public Relations

- Despite the fact CAUT has no authority to conduct investigations, it does so to influence public and stakeholder opinion in an effort to pressure universities to act
- CAUT's most effective tool is the power of embarrassment

Censure

- “Censure” is the active discouragement of academic staff from accepting appointments or invitations to participate in academic conferences at the University.
- According to CAUT, “censure is a very serious and rarely used tool”

Deploy Proactive Crisis & Reputation Management

- Universities face constant reputation threats - #MeToo, free speech and more
- Adopt and regularly review a crisis management plan
- Establish a crisis management team

Keep a Close Watch on Your Peers

- Universities – and university crises - are constantly in the news
- Your crisis management team should keep abreast of these developments and learn what works and what doesn't work
- Incorporate this research in your crisis management plan

Engage with CAUT or Not?

- A University subjected to a CAUT investigation is in a no-win situation
- You will be criticized for not participating
- You will be criticized for anything you say and do if you participate
- The result is probably pre-ordained
- Participation will result in a significant expenditure of effort
- Remember your communications plan

Conventional Approach

- Non-Engagement
- CAUT has no authority to investigate
- The University will not participate in the investigation
- Grievances are the exclusive and appropriate forum
- It is not appropriate for CAUT to conduct interviews during working hours
- The University reserves the right to review and comment on the report

University of Calgary

“University of Calgary warns faculty about CAUT investigation”,
CBC News, April 13, 2016

- University emailed faculty that CAUT would be on campus to investigate Enbridge financial support
- University email stated that CAUT had no official standing on campus, university staff have no obligation to participate in the investigation, and CAUT would not protect a professor’s privacy.

University of Calgary

CAUT Response

- "Universities are taking a much more aggressive stance against us. I think it is because our investigations matter... They potentially expose things that powerful people would rather keep quiet"

University of Manitoba

“President Barnard responds to CAUT report on Faculty of Architecture”, UM Today News, February 10, 2015

The University president made the following comments in a letter to faculty members following the CAUT report:

“I have serious concerns with CAUT’s intrusion into matters outside of its jurisdiction and the associated deficiencies in due process that result”

University of Manitoba

“At the University of Manitoba we have internal processes where concerns of the type expressed in this report can be brought forward, investigated and resolved. Those processes, unlike that used by CAUT, are fair, balanced and have the ability to collect and weigh complete information. The CAUT Committee’s work not only ignores these processes, it interferes with them.”

University of Manitoba

“...the University of Manitoba supports your ongoing efforts in teaching, discovery and outreach. A report such as CAUT’s can be divisive and have a deleterious impact on students, and I would ask you to work together to instill confidence in the incredible skills of your colleagues and the excellent educational experience offered by the Faculty.”

Alternative Approach

- In some circumstances there may be merit to engagement
- Usually not when the issue is clearly a grievance issue: discipline, dismissal, tenure, etc.
- Possibly when the issue is working conditions, improper conduct, troubled workplace, etc.
- Use your judgment, the approach has risks
- Can dialogue with CAUT positively influence the result or improve underlying issues?

Alternative Approach

- CAUT expects that the University will refuse to participate
- Agreeing to meet and discuss will encourage CAUT to reassess its strategy

Alternative Approach

- Acknowledge the issues
- Bring CAUT to the table
- Demonstrate respect for collective bargaining and academic freedom
- Solicit advice on addressing the issue
- Try to find a collective resolution

Engage Stakeholders

- If possible, engage faculty, staff and students
- Opinion piece in *University Affairs*, 2014
- CAUT will seek a motion of censure against King's College in London, Ontario. CAUT claims that King's administration violated Ken Luckhardt's academic freedom by banning him from King's. King's University College Faculty Association (KUCFA) will oppose this motion because censuring King's will undermine the academic freedom of King's faculty



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